THE STATE WE ARE IN

Identity, Terror and the Law of Jihad

Introduction by Dr Tahir Abbas
Edited by Aftab Ahmad Malik

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THE STATE WE ARE IN

IDENTITY, TERROR AND THE LAW OF JIHAD

Introduction

DR TAHIR ABBAS

Edited by

AFTAB AHMAD MALIK

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INTRODUCTION

Islamic Political Radicalisation in Britain: *Appraising an Emergent Phenomenon*

DR TAHIR ABBAS

At a time when the Western world is globalising at an ever rapid rate, questions in relation to what it means to be a Muslim minority are at the forefront of debates in policy, government, media and academia. Many discussions emerge on radicalisation, secularisation, modernisation, identity conflicts, inter-generational change, cultural relativism, and social and economic alienation. A particular phenomenon to emerge is that of Islamic political radicalism. Those at the left of the political spectrum feel that the "war on terror" and structural inequalities are at the heart of the problem while those on the right feel it is all about the very essence of a religion that is seen as alien, barbaric or ill-adjusted to the expectations and aspirations of the West. The fact of the matter is that neither the religion is solely central or the material realities of isolated British Muslims or indeed foreign policy. They are all relevant in this sensitive equation. Today, as Muslims we too are looking inside the British Muslim community at large to determine what might be at fault *within* at the same time as the foreign policies of the Bush and Blair governments that have created havoc in distant lands *without*. The global context has been the self-fulfilling prophecy of the "clash of civilisations" thesis, a theory originally dreamt up by neo-conservative ideologues, such as Bernard Lewis, Samuel Huntington and Francis Fukyuyama. The stark realities of the 1990s and the early years of the twenty-first century have revealed a whole host of examples where Muslims throughout the globe have suffered

immeasurably. From the first Gulf War (1990–91) to Somalia (1993), Bosnia-Herzegovina (1993–1996), Chechnya (1999), the second Palestinian Intifada (2000–), the war on Afghanistan (2001–2002) and the war on Iraq (2003–2004), Muslims have been at the receiving end of the political and economic interests of western hegemony. Where there are 20 million Muslims in Western Europe and 6 million in the USA, we have witnessed various reactions to this onslaught—some internally-derived others externally-influenced. From attacks on the Paris metro (1996), to the Moscow theatre attack (2002), the Madrid bombings (2004) killing over 200 people, the assassination of Theo van Gogh (2004), and with the first ever suicide-bombings by home-grown radicals in Europe in 2005, British-born Islamic political terrorists finally come home to London. This was not the first time British-born Islamic political radicals have come to the fore; the Seven in Yemen (1999) included five British-born Muslims, the two failed shoe bombers Richard Reid (2001) and Saajid Badat (2005) and the 2003 "Mike's Place" bombers in Tel Aviv were from Derby and Hounslow, Omar Khan Sharif and Asif Mohammed Hanif.

There are earlier periods in this so called radicalisation of Islam, particularly in the twentieth century. Whether it is through the writings of Muslim ideologues in the 1940s or 1950s, or the actions of the Palestinian Liberation Organisation and its wings of the Popular Front for the Liberation of Palestine and Fateh in the 1960s and 1970s; or whether it is the Libyans, Iraqis, Iranians or the Lebanese, as such, Hamas or Hezbollah, in the 1980s, there is a perceptible pattern where Muslims in Islamic lands have reacted against the double standards and the dominant interests of capitalistic states vying for power and control over the remaining natural fossil fuels of this world. For anyone growing up in the last three decades, from the Iranian Revolution of 1979 onwards, the Muslim world has been in turmoil while Muslim minorities in the western world have faced economic, social, political and cultural marginalisation. It is these harsh experiences that characterise our sociological, anthropological, cultural studies and political science current interests in the study of Muslims, and especially so in Britain after the tragic events of 7 July 2005.

The London terror outrage now known as 7/7 has brought it home to us that the threat from suicide bombers comes not simply from foreigners who slip into the country, but from people who live and have grown

up amongst us. These are fellow citizens, willing to die so they can kill us all. How and why British-born Muslims, of whatever ethnicity, class or cultural hue, would want to do that is difficult to understand, though understand we must if we are to prevent these acts in the future. There are a number of factors which we can recognise, not just from the London bombings but from others elsewhere. There is a jigsaw, but at least we can already place some of the pieces.

First, there is the brainwashing of individuals through the radicalising messages of those claiming an Islamic knowledge that encourages the killing of innocent people for infinite rewards in paradise or as part of an act of war. The *Jihādi*-Salafi types, those who possess a literal interpretation of Islam, which is locked-tight, are the real drivers in this radicalisation of Muslims, in both the West and elsewhere. There is a perceptible strain among some Muslims, both as minorities and majorities in almost all of the countries of the world, where *sharia* law is frozen and Islam is closed off to the rest of humanity. It was not always like this, of course, but one would have to go back to Muslim Spain to find an open and inclusive Islam and that was 900 years ago. The Islam that is practised today has been impoverished by five hundred years of imperialism and colonialism. It is Islam in the "dark ages" and the methods used by fundamentalists, Islamists or radicals to seek redress in the way they do are abysmally outmoded in a world that has moved on. It is important to emphasise nevertheless that the actions of these terrorists are almost entirely political and not at all theological. They were driven to do what they did because they believed they would "go to heaven" but in the process create political change by encouraging the world's leaders to take action on Iraq specifically but also Palestine, Chechnya and Kashmir as part of the wider struggle to liberate Islam and Muslims from the onslaught they currently experience.

Second, there is genuine failure of leadership at home, in the community, and at the local and national levels. The excuse that this is a new community and has not had time to integrate and adapt will not pass. Leadership in the Muslim population is determined by the panderings of UK politicians to elites who are often of a very different make-up and outlook to the many they seek to represent. Local community "elders" are propped up through artificial support mechanisms that facilitate the electoral

process to the advantage of the main political parties but take out of the hands of the people the choice of who they want as their leaders. Religious leadership has also been weak. The imāms in mainstream mosques are not central, if relevant at all, to the leadership of Muslims, never mind being responsible for the radicalising of the young. They are mostly poorly-equipped to fulfil their role in the religious, cultural and intellectual edification of young people. This failing makes young people vulnerable to Islamists who have been able to fill the gap. The opportunity for imāms to be the educators of the community in the Qur'ānic texts and in their application for Muslims living in the West has been missed and Muslim communities are poorer for it.

Third, the role of the media is important. It is perfectly possible for an individual to grow up in an insulated environment, where the television, internet, food, community and local enterprise are entirely Muslim. A young man can be radicalised by images of victims in Palestine or Chechnya from the comfort of his own home, through conversations within a circle of friends with similar perspectives on life, or by reading the many pieces of imbalanced literature that are freely available. This is one of the consequences of globalisation: we are connected to every aspect of this planet through communication technology but we have lost touch with our neighbours in the process. Where the media encloses Muslims at one level at another it spreads Islamophobia—not least by focusing on preachers from the wilder fringes of Islam rather than the more recognised authorities. While few commentators are able to distinguish between the Islam that is practiced in general and the disturbed Islam that is practiced by the very few, they remain the prominent critics of the religion. This conceals the fact that there is wide-ranging debate within Islam about modernity. The Western critique, relentless as it is ill-informed, hinders rather than facilitates this debate.

Fourth, at the national and international levels, the problem has been exacerbated by the "war on terror" that was launched after the 9/11 attacks on America. The coalition of the willing has taken it upon itself, with little or no support from the rest of the world, to weed out "Islamic" terror, bringing freedom (of markets) and democracy (of sorts) to ailing nations. Attacks first on Afghanistan and then Iraq have made Muslims feel that the people of Islam are soft targets as part of an unadulterated US-led

assault. Late modernity's cultural, economic and political hegemon needs a bogey to legitimise its laissez-faire machinations and, after the end of the cold war, Islam is that bogey. In the aftermath of 9/11, with increased state policing powers, advanced electronic surveillance techniques, the elimination of habeas corpus, and questions asked of their loyalty to the state, Muslims in western nation-states have become victims of an aggressive state apparatus.

Consequently, the combination of these internal and external dynamics, a juxtaposition of the local, national and international, places Muslims in the West in precarious positions. They see the wider Islamic world in tatters and their own experiences affected by dominant domestic paradigms but in reality "mainstream" Islam has no answers. What a few young Muslim people, mostly men, do is to seek solutions to their frustrations in violence and destruction. Little do they realise that they help no-one and only create further distress, disharmony and disillusionment. It is quite apparent that Islam in the West and elsewhere too is in need of a new impetus. Given the anti-discrimination laws of this country and the openness of British society for the most part one must hope that it will always remain a real possibility here. Certainly, the 7/7 attacks on London have added to direct and indirect forms of Islamophobia. There is considerable evidence of violence towards individuals, communities and mosques, impacting on the experience of Muslims living in Britain, particularly those who are obvious and visible adherents located in marginalised communities all over the country, further increasing fear and distrust of majority society. But it should also act as a demonstration to the groups who would execute terrorist acts in Britain that however hard they try they will never succeed in disrupting Britain's largely fair, just and tolerant society and that all they have done is to further vilify the name of Islam.

Indeed, as a result of the recent terrorist attacks in London, there has been a genuine attempt on the part of the state to try and engage with its British Muslim minority, particularly the young and disaffected. Reverberations from the complete shock of the events are still being felt as communities, neighbourhoods, politicians and the state come to terms with the enormity of the events and the potential implications it has for public and social policy. What further impacts on the distress is

the discovery that the acts were orchestrated by British-born Muslim perpetrators, many of whom were seemingly well integrated citizens. This had completely bamboozled the intelligence services, who were of the view that any would-be terrorist attacks would be organised by overseas groups infiltrating networks in Britain. That these young British men were without a doubt self-radicalised has come as a genuine surprise to many and, as such, making it all the more pertinent to better understand the mechanisms and processes that drove them to their actions and, more importantly for the future, to determine how best to engage with alienated British Muslims, some of whom are prepared to carry out such atrocities in the name of religion and politics. The need to understand and appreciate the depth of the dissatisfaction felt by young Muslims in Britain is more important than ever.

A chief concern with young people and the question of Islamic political radicalism is how it comes about in the first instance and having determined that how it can be alleviated. This is something that the state is hell-bent on finding out and it seems that the state is making a genuine effort. Perhaps it is early days before one can be sure of any particular steps to be taken but the view from the community and the practitioners are that it is certainly a positive stride. However it is also palpably clear that the questions of what drives radicalisation and how to engage with radicalised young people remains as difficult to answer as ever. The communities from which many radicals emanate are ones that are generally removed from formally engaging in the political process. Where there is suspicion of activity it tends to centre on the movements of shadowy figures who venture into homes late at night, presumably engaging in radicalising others or self-radicalising themselves. It is certainly possible to do this with developments to media in the Islamic world and how the bleak truths of war can stir the imagination of young minds already susceptible to feelings of frustration, anger, hate, and ultimately the will to carry out violence in its name.

In other instances, there is a perceptible view that higher education institutions are hotbeds of radical political Islamic activity, sometimes acting as launch pads for further encouraging young Muslims to become radicalised, who are perhaps away from home for the first time, still somewhat naive but very much emotionally affected by the injustices of

the world. Nonetheless, the question as to whether the Islamic societies of universities are genuine places where Muslims are radicalised has yet to find firm answers. Hizb ut Tahrir (HT) was banned from university campuses by the National Union of Students in the mid-1990s. Currently, there is talk of banning it from the rest of society altogether, although the jury is still out as to whether this organisation openly propagates violent extremism. Certainly, HT is banned from many European countries. Today, HT may well be carrying out its work covertly, infiltrating other university societies, namely Pakistan or Indian Societies, but their success, overt or covert, is difficult to gauge in real terms. No suicide bombing has been carried out by any British member of HT, although Asif Mohammed Hanif who blew himself up in Tel Aviv in 2003 and his partner in crime, the would-be bomber, Omar Khan Sharif, were both British and had some links with al-Muhajiroun (a splinter group, founded in the UK in 1996 by Omar Bakri Mohammed, now self-exiled in Syria). Many of the "Seven in Yemen", who allegedly tried to blow up the British Embassy and a nightclub in Sana in 1999, were British-born Muslims. They met at university and were largely radicalised by Abu Hamza, formerly of Finsbury Park Mosque, and who is currently awaiting deportation to the US on charges of terrorism related matters. Clearly, therefore, when young Muslims go away to university, it is apparent that a small few do emerge very different from whom they were when they entered, but how and exactly why are still not entirely comprehensible. The danger, nevertheless, is that many of these people emerge as outwardly well-integrated folk who live and work among majority society unbeknown that they may well be potential threats to us all, until, that is when it is often far too late.

The important point is to ensure that anything quite like the events of 7 July 2005 never happen again. If so, there are likely to be too great a set of repercussions that would seriously harm civil liberties, lead to draconian anti-terrorist legislation and even further alienate a body of young men who are at the margins of society. To achieve success one needs to enter into dialogue with young Muslim men and to remove the barriers that prevent this from occurring. This conversation needs to be direct and specific but the conduit of existing community leaders has proven to be anything but effective. If anything, the events of 7 July 2005 have spelled the death of the existing Muslim community leader, whether they are

political, cultural, or intellectual. Theologically, the voices of Tariq Ramadan and Shaykh Hamza Yusuf are popular with both the young and the British state. But, they are a small band of forward-looking Islamic scholars and their permanence in influencing the government as well as maintaining the support of the young will remain a fine balance between how the state takes advantage and how they are perceived.

In reality, a mass of young Muslim people are dislocated and disenfranchised as much as a function of the workings of society but more discernibly because of the specific ways in which they have been failed by the elders. It is perhaps pertinent that the state has realised this and has attempted to engage in a full-on campaign of ministerial visits to Muslim-concentrated localities in the hope that it will encourage this oft-missed exchange of ideas. The state recognises that it does not have the trust of Muslims, albeit non-Muslims too, given how over half of the entire British population negatively views the war on Iraq. A confidence building, trust enhancing, face saving exercise for the cynics—an opportunity to better engage with a marginalised community for the pragmatists—and a desire to make a just, fair and tolerant society for the good of the many for the optimists.

In the end, the potential for Islamic political terrorism will not go away so easily because the root causes will not go away so easily, too. They are a matter of economic and social concerns as much as they are of Britain's foreign policy. There is deep-seated malaise that is at the heart of many of problems of Islamic political radicalism in Europe—interventions in Muslim lands, where economic imperatives are disguised as political developments to democracy and freedom being the main. Botched Bush-Blair endeavours are seen as "humanitarian interventions", "necessary evils", or at the very worst, "mistakes". To suggest anything more critical is to be considered absurd by the intelligentsia or the popular press. At the local level, as the poorer Muslim communities are increasingly segregated, calls for the death of multiculturalism and a reversion to integration are now increasingly heeded. Any amount of talking with young people is doomed to fail in eliminating radicalism if what is manifestly obvious in its cause is not perceptibly eliminated. The failure to act is the failure of conversation. It is also a failure to be genuinely honest about the nature of the problems and their foundations.

Politicians will be looking at initiatives in response to 7/7. Policy must seek to achieve five things: ensure that Muslim communities become more culturally and politically included than they have been; provide genuine educational and labour market opportunities for the young; make certain that community leadership is reflective and capable; certify the religious instructors in mainstream mosques, ensuring that they are properly connected with local and national related institutions; and last but not least, help ensure that issues at the international level that impact on British South Asian Muslims, namely Iraq, Palestine, and Kashmir, are resolved bringing peace and hope to the affected regions. We must all work hard, Muslims and non-Muslims alike, to ensure that young Muslim men are not cut off from society and therefore become susceptible to fanatical, extremist and utterly misinformed Islamists that seek to politically radicalise the meek and vulnerable. One of the specific responses has been to talk with young Muslims, but talking to disaffected Muslims radicals will not be as straightforward as it might seem.

The chapters in this book are written by evolving and renowned Muslim scholars in the field of Islamic studies. They discuss the state of Muslims as minorities in the current period from a range of theological and sociological perspectives. These analysts are jurists, ethicists and historians, and they emanate from all corners of world. As such, this book is a unique collection of contributions from Muslims who have studied and worked in British, European and American universities. These scholars address the crucial contemporary issues and challenges facing Muslims in the West and with an insight that draws upon an intellectual framework from within a classical Islamic discourse as well the social and cultural observations they make of the world in which we all live.

Part 1 THE STATE WE ARE IN

1 Islamic Citizenship in Britain after 7/7: *Tackling Extremism and Preserving Freedoms*

YAHYA BIRT

THE WEEKS AFTER the London bombings of 7/7, the most deadly to strike the capital since the Second World War, have been testing times for British Muslims. We struggle under a threefold burden. Like others, we nervously rang family and friends to find out if they were all right. The mangled and twisted frame of the familiar double-decker bus and the unseen horror in the Tube tunnels below London's streets signalled a new and bloody era. We learnt with shock that our own community had produced Britain's first home-grown suicide bombers, seemingly integrated British lads. Our feelings of moral outrage were tempered by profound disquiet that this had been carried out in the name of our religion. Finally, we have felt the consequences, the most fearsome part of which has not been the six hundred per cent rise in faith-hate crimes in London during the first four weeks,[1] but a lurch towards draconian legislation amid talk of the failure of British multiculturalism from across the political spectrum.[2]

Number 10 launched a tough strategy on 5 August, which mirrors steps pioneered by the French in the mid-1990s, the Americans after 9/11 and the Spanish after the Madrid bombings. The proposed measures include

[1] *Independent*, 4 August 2005. The survey of different police forces showed the rise in reported faith-hate and race-hate incidents was spread across the country, not just concentrated in the capital. As many as one in six were not Muslim by religion, but were of an Asian appearance. The number of race-hate attacks increased by 24% overall from 3355 in July 2004 to 4160 in July 2005.

[2] Kenan Malik, "Multiculturalism has fanned the flames of Islamic extremism", *Times*, 16 July 2005 and David Davies, "Why cultural tolerance cuts both ways", *Daily Telegraph*, 3 August 2005.

establishing new powers to deport foreign nationals on the grounds of fomenting terrorism and involvement with proscribed extremist bookshops, organisations, websites and networks; closing extremist mosques; widening the grounds to ban extremist groups; banning Hizb ut-Tahrir and al-Muhajiroun's successor groups; stripping citizenship from naturalized British citizens engaged in extremism; creating a new offence of glorifying terrorism in Britain and abroad; and the extension of existing control orders, using a form of house arrest, to include British nationals. The new deportation powers would require derogation from the Article 3 of the European Convention on Human Rights prohibiting torture and inhumane treatment, in order the guarantee the rights of deportees in some ten Muslim countries of origin, which have so far not agreed to uphold them, with the exception of Jordan.[3]

The police presence permeates an enervated London, the merits and demerits of racial profiling are openly discussed, and the shoot-to-kill policy is based on Sri-Lankan and Israeli tactics. The Home Office Minister, Hazel Blears, caught in the midst of local consultations with Muslims, is suddenly to head a commission to examine "insufficiently integrated" communities, suggesting the re-branding of minorities along ethnic lines in the style of the American melting pot.[4] Plans are mooted to charge extremist Muslim preachers under the Treason Act of 1351, the first time it would have been applied since World War Two.

The London attacks and their aftermath are the greatest challenge to face British Muslims, the precise challenge being to reject charges of collective guilt while taking up our share of responsibility. There has been much heartfelt condemnation of the attacks as might have been expected from Muslim community and religious leaders.[5] But it is obvious to all that our older generation of leaders is out of touch with febrile and confused sentiment apparent among many young Muslims after 7/7. Anger, denial and fantastic conspiracy theories are rife, but community elders

[3] Opening Statement, Prime Minister's Press Conference, 5 August 2005, No. 10 Downing Street, available at www.number-10.gov.uk/output/Page8041.asp, accessed 5 August 2005.

[4] *Times*, 8 August 2005.

[5] A press statement condemning terrorism was issued jointly by religious scholars associated with the Muslim Council of Britain and the British Muslim Forum on 15 July, representing the largest Islamic groups in Britain, available at http://www.mcb.org.uk/Signed_Ulama_statement.pdf, accessed 11 August 2005.

rarely know how to direct these sentiments in constructive directions. As for their religious responsibilities, British Muslims should seek to tackle extremism, to uphold and assist in the promotion of public safety while protecting the freedoms of all British citizens, to exonerate those who are falsely accused or unfairly treated, and to improve community relations.[6] These teachings imply a delicate balancing act which promotes a precautious but constructive engagement with the security agenda founded on the belief that preserving freedoms in a time of crisis will do more to ensure our security than hasty new measures; freedom and security need not be instinctively placed in mutual opposition with each other as Shami Chakrabarti of Liberty has argued.[7]

One matter is absolutely clear among young Muslims in the impassioned debate after 7/7: they will not accept the silencing of their political voice through a spurious culpability by association. The invasion and occupation of Iraq, as they see it, lies precisely at the centre of their current disaffection. If it is indeed true to say that global *jihādist* puritanism was the unwanted progeny of the Cold War's last great conflict-by-proxy in Afghanistan against the Soviets,[8] Iraq has nonetheless also opened up a whole new front in the "war on terror" that did not previously exist, as was argued in a recent report by the establishment think tank, the Royal Institute of International Affairs.[9] It is particularly relevant in that the continuing "war on terror" has invalidated the "covenant of security" the extremist fringe believed they enjoyed in Britain, which underpinned the logic of Londonistan's very existence.[10]

[6] This balanced approach of protecting both societal and community interests is upheld in a recent legal ruling from the Hanafī school of jurisprudence, the school of law followed by the majority of British Muslims. See Shaykh Faraz Rabbani's reply to this following question after having consulted with leading Hanafī authorities, "If someone knows about potential extremist plotting against public interest in a Western country, what is our duty? Would it be 'giving up on a Muslim's rights' to inform the police?", 21 July 2005, available at: http://forums.muslimvillage.net/lofiversion/index.php/t13883.html and elsewhere, accessed 9 August 2005.

[7] Shami Chakrabarti, "The price of a chilling and counterproductive recipe", *Guardian*, 8 August 2005.

[8] For the definitive political long view see John Cooley, *Unholy Wars: Afghanistan, America and International Terrorism*, 3rd edn, with an introduction by Edward W. Said (London: Pluto, 2002).

[9] *Daily Telegraph*, 18 July 2005.

[10] For further details on the covenant of security and its so-called annulment, see the refutation of a position statement from the British Muslim group, al-Muhajiroun, by Shaykh Muhammad Afifi al-Akiti in this collection.

Thus, the Prime Minister, vulnerable over Iraq, has found it increasingly difficult to deny that Iraq has been an aggravating political factor. However the point is that after the attacks, while two-thirds of the British public saw Iraq as heightening the risk of terrorism in the UK, the Prime Minister received his second-highest personal approval rating since 1997.[11] This indicates that the British public saw the threats of Saddam and of radical terrorism, falsely justified in the name of Islam, as separate, and secondly, that Blair is broadly trusted to take on the post-7/7 threat, unlike the Spanish who promptly voted José Maria Aznar out of office after the Madrid bombings. Besides personal conviction on these matters, two political factors have emboldened the Prime Minister to pursue a tougher stand and take on the liberal legal establishment, human rights activists, a more precautious Home Office, and pretty much the entirety of the British Muslim community's leadership. Firstly, Blair was encouraged by the robust stance of the four-man delegation of Labour Muslim MPs led by Shahid Malik on 13 July, even if they differed in terms of strategy and analysis.[12] Secondly, the wide public trust in Blair's capability to defend Britain against this threat has allowed Number 10 to set the security agenda in its own terms, advised by the former Home Secretary, David Blunkett, whose tough approach has always been endorsed by the Prime Minister. It is in this shift of public opinion that the "rules of the game" have changed.

Furthermore, unfashionable as it might be to make the observation, Tony Blair was right to argue that the London suicide bombings have no *moral* connection with Iraq. The immediate challenge for Muslims is to isolate extremist elements by returning to the ethical and moral foundations of Islam, and to argue calmly for peaceful democratic means of protest. Already in places like London and Birmingham, there are hopeful signs that a younger generation of opinion-formers like Salma Yaqoob of the Respect Party or Abu Muntasir of JIMAS are reaching out effectively to those who feel radically disaffected by offering viable alternatives.

A full debate will be needed on the suspect theology that spreads intolerance and hatred; the input of religious leaders will be vital to this

[11] Populus/Times Poll in *Times*, 26 July 2005.

[12] *Observer*, 7 August 2005, although there was no unanimity on all of the announced measures among the four MPs. For instance, Shahid Malik and Sadiq Khan opposed the banning of Hizb ut-Tahrir, while Khalid Mahmood supported the ban.

process. Another vital component in this regard will be to tackle the rise of *takfirism*, the rationale behind the rise of violent cults that see all other Muslims as expendable apostates. In this regard, British Muslims could look to build upon the Amman initiative of July 2005 that recognises eight orthodox schools of Islamic law and was endorsed by major Sunni and Shiite scholars of the Arab world.[13] There are already encouraging signs that Islamic scholars and younger community leaders are disregarding old sectarian boundaries to make common cause against extremism. The old guard amongst whom petty rivalry and sectarianism remain predominant has not yet embraced this new entente.

Another key issue is the need to reclaim the high standards of ethical conduct in the *jihād* tradition, which, while upholding the right to self-defence, protects the innocent and condemns terrorist tactics.[14] How is it that suicide bombing, first used and justified in the Muslim world by Hezbollah in 1983, inspired by the example of the Marxist Tamil Tigers of Sri Lanka, has become the preferred tactic of resistance in the name of Islam—used in no less than twenty-six countries around the world, with Britain unfortunately being only the latest example?[15] Is the Muslim world in danger of becoming the West's Gaza Strip, and the West, the Muslim world's Israel, by which the nameless and unnumbered casualties of American airpower are re-invoked by desperate acts of revenge, spreading Middle-Eastern-style fear and insecurity to the Western metropolis?

In holding the balance between freedom and security as British citizens, not just as British Muslims, it is our public duty to ask some constructive but searching questions about the new agenda. We should ask: can the treatment of deportees really be guaranteed, as the government has failed

[13] International Islamic Conference (Amman), "True Islam and its Role in Modern Society", 4–6 July 2005, final conference statement, available in English translation at http://www.jordanembassyus.org/new/pr/pr07062005.shtml, accessed 8 August 2005.

[14] For a clear differentiation between terrorism and *jihād* in Islamic jurisprudence, please refer to the contribution by Shaykh Suheil Laher in this collection.

[15] For the full list of countries in which suicidal terrorism has taken place in the name of Islam see the 2005 report by the British Muslim think tank, Ihsanic Intelligence, *The Hijacked Caravan: Refuting Suicide Bombings as Martyrdom Operations in Contemporary Jihād Strategy*, (2005), pp. 20–21, nn. 14–15, available online at www.ihsanic-intelligence.com. The study also notes that the tactic was virtually non-existent in Sunni movements in the 1980s, but became more widespread in the early 1990s following the Palestinian lead, and has mushroomed after 9/11. Pre-9/11 suicide bombing incidents totalled 78, but there were 232 after 9/11.

many times after 9/11 to get the agreement of Muslim nations? Is it not short-termist to merely export the problem of terrorism? Why is it deemed an unfortunate but unavoidable consequence of the new shoot-to-kill policy that further innocent lives may be lost, even after the death of a Brazilian electrician tragically mistaken for a suicide bomber? Does not the closing of a place of worship potentially stigmatise the whole congregation as extremist rather than dealing with a problematic preacher? With the proposal to extend control orders to British suspect extremists, do we not have a new form of internment, a policy that in Northern Ireland bolstered support for the IRA?

Particular concerns centre around free speech. In the new post-7/7 atmosphere, how would any "incitement to religious hatred" legislation be applied? Or for that matter "glorifying terrorist acts"? Would this, for instance, cover any number of examples involving struggles for self-determination in the Muslim world? What might be the consequences for Britain's grand tradition of political asylum if new proscribed speech-acts or activities result in rapid deportation? How will the process of proscription of designated extremist bookshops, websites, centres and networks be held up to proper scrutiny? Can we name any non-violent political organisation that has been banned since the Second World War despite the challenges of the Cold War and Irish Republicanism? If not, why is Hizb ut-Tahrir being singled out now?

The proposal to ban Hizb ut-Tahrir would, if enacted alongside these other measures, drive radicalism further underground, and in a more subtle way, muzzle Muslim political protest through fearful self-censorship. If Hizb ut-Tahrir is not considered by Scotland Yard sources to be part of the terrorist problem, the conclusion is that the ban is political. Inevitable comparisons are being made with the British National Party. British Muslims might therefore conclude that their politics was being criminalized too, and associated by the official mind with terrorism. The ban tells us something else that is disturbing: that unlike the cohesive movement of Irish Republicanism, in which the political wing had a moderating impact on the IRA, the government's judgement is that extremist, radical and moderate currents among British Muslims are too disaggregated from each other to justify a strategy of encapsulation. In other words, the government believes that while Hizb ut-Tahrir contributes to a general atmosphere of radicalisation, it cannot recall the extremists from violence

anymore than the moderates can. Thus the onus is upon the Party to admit to its confrontational and radicalising role prior to 1996 (when Omar Bakri Mohammed left to found al-Muhajiroun) and to become committed to a preventative strategy in future.

The symbolic weight of Hizb ut-Tahrir's banning for the Muslim community would probably vitiate the opportunity to promote an intelligence-led approach and thereby squander the widespread goodwill among Muslim communities in the wake of the bombings. What would be left except for heavy policing and therefore further alienation? The effective exclusion thus far of British Muslims from the new security agenda reveals how much the very community most likely to be impacted by these policies is held in distrust and suspicion.

In the British context, however, the condemnation of terrorism, and indeed the constructive criticism of anti-terrorism measures, should not be allowed to halt the serious working-through of issues around identity, belonging and citizenship by cosmopolitan Muslim Britons aware too of their religious solidarity. The question is being asked: can solidarity to the *umma* be affirmed as part of British Muslim identity, as a matter of civic conscience rather than of cosmic or geopolitical alterity? It would be fruitless to place loyalties to *umma* and nation in political opposition, and therefore to portray this purported dichotomy as an ever-present existential crisis of cultural identity for British Muslims. At a time when national sentiment is eroded by commodification, devolution, relations with Europe, cultural diversity, globalisation, even by a collective failure of the imagination, is it just or fair to expect minority groups to bear disproportionately the burdens of nationhood in moments of crisis like this?

It is precisely this expectation that currently shapes the debate around the integration (often nowadays a euphemism for assimilation) of British Muslims, and it constitutes a political bear-trap. After 7/7, as after 9/11, the problems of our various communities are held to be our own, and these are problems of cultural backwardness. The tropes of nineteenth-century anti-Semitism re-emerge in the form of twenty-first century Islamophobia: they mistreat their women, they illiberally uphold harsh rites and a merciless law, their loyalties are suspect and lie beyond those of the nation-state.[16]

[16] Sander L. Gilman, "'Barbaric' Rituals" in Susan Moller Okin et al., *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999), pp. 53–58.

These assumptions threaten to overtake official discourse about Muslim integration: Muslims are silenced in this debate, they are more talked about and dissected by others in an endless trial by media.

One could name other culprits, but the current silence of the Commission for Racial Equality—CRE, the statutory body tasked with protecting ethnic minority groups from prejudice and discrimination—is scandalous. Trevor Philips' announcement of the end of multiculturalism after the Madrid bombings has again been taken up by the Right, and he recently opined that, despite the devastating picture of Muslim disadvantage in the 2001 Census, the Muslim problem is attitudinal: "too many people in this country live in the old country in their heads".[17] In Trevor's terms, Muslims "need to create a strong British Muslim identity"—that's not a problem, except that the role models he stipulates for Muslims still mentally living "back home" are Konnie Huq and Lisa Aziz.[18] How surprising it is that he misses that cornerstone of English liberalism, the personal choice to be different (and not just the same), a fact recognised by Shabina Begum's defence lawyer, Cherie Booth.[19] It seems that after the CRE failed in 2004 to incorporate the faith strand under the "race umbrella" as part of the proposed Commission for Equality and Human Rights, it has kept away from "faith" issues except in areas where it claims ownership, like "stop and search", shoot-to-kill or racial profiling, but it has not even said anything on these after 7/7.

The sheer fact of cultural diversity defines modern urban Britain, particularly the capital, and so the challenge is to reinvigorate multiculturalism by emphasizing civic responsibilities over the entitlements and rights-based approaches of the past. Another problem is the outdated compartmentalization of policy into foreign and domestic spheres when they so clearly now interpenetrate each other. In reaction to this blurring of sovereignties and boundaries, political retrenchments—like tribal

[17] BBC News, 'Race Chief wants integration push', 3 April 2004, available at http://news.bbc.co.uk/1/hi/uk/3596047.stm, accessed 2 May 2004 and *Times*, 17 July 2005.

[18] Trevor Philips, 'Why Muslims make Britain a better place', lecture at the Oxford Centre for Islamic Studies, 16 November 2004, available at http://www.cre.gov.uk/Default.aspx.LocID-ohgnew03s.RefLocID-ohg00900c002.Lang-EN.htm, accessed 11 August 2005.

[19] The Prime Minister's wife, who is also a high-ranking lawyer, represented Begum in her legal campaign to wear the form of Islamic dress, the *jilbāb*, that she felt personally obliged to wear at the state school she attended.

religion and lumpen nationalism—emerge at a time of crisis, as Shaykh Hamza Yusuf Hanson bravely tried to tell British Muslims after 9/11. Are we to be a tribal *umma*, prepared for the sake of unity to defend Muslims, right or wrong, to ignore Muslim-on-Muslim violence, or become oblivious to general human suffering and pain?

How much is this narrowed conception of the *umma* held to ransom by the various expressions of Muslim nationalism, a product of post-caliphatism? In other words, is it a form of nostalgia for the imperial Ottoman model misinterpreted as a unity based on the collective human community of monotheists, with the state re-imagined along the lines of interwar European totalitarianism? Rather it is the case, as Ibn Taymiyah and Shah Walī Allāh contended in different ways, that the *umma* is a body of purpose based upon the worship of God, upholding values of universal mercy and justice for all of God's creation, which philosophically allows for the practical recognition of multiple polities within itself, a multiplicity that is in any case an abiding fact of Muslim political history.[20] This correct attachment to the *umma* of purpose does not render the Muslim rootless, unanchored from the nation-state, as the philosopher Roger Scruton has contended,[21] but rather loyalties emerge from the ground up, recognised variously in the principles of moral conduct, social obligation, and contractual and legal obligations. The rights of creation (*huquq al-`ibād*) encompass family, clan, neighbourhood, city, nation, religious community and humanity, and Muslims are held to be morally and legally responsible for their fulfilment either individually or collectively.

Concomitantly, we are, as Tariq Ramadan has reminded us, a community that bears witness to the truth (*umma al-shahāda*) to all of humanity, that defends and establishes justice, solidarity and values of honesty, generosity, fraternity and love for all.[22] It is therefore as committed British citizens of good conscience that we may work for the common good by standing by these very principles of bearing witness to the truth, and

[20] Naveed S. Sheikh, *The New Politics of Islam: Pan Islamic Foreign Policy in a World of States* (London: RoutledgeCurzon, 2002).

[21] Roger Scruton, *The West and the Rest: Globalization and the Terrorist Threat* (London: Continuum, 2002).

[22] Tariq Ramadan, *Western Muslims and the Future of Islam* (New York: Oxford University Press, 2004).

standing up against injustice in the world and against all forms of chauvinism and self-interest. It is through this renewed vision of citizenship that British Muslims will be able to escape the perils of tribalism, to avoid victimhood and to embrace civic responsibility without surrendering their commitment to truth and justice. This renewed engagement is easily expressed in terms of the multicultural liberal democracy that has characterised Britain in recent times. This country has largely accepted that the non-recognition of cultural diversity by the state is iniquitous, and that a non-assertive secularism comfortable with faith-based activism in the public sphere is preferable to a rigid laïcité.[23] In return, new religious communities have been encouraged to undertake a civic engagement cognizant of the common good and are minimally expected to promote mutual respect and tolerance. This dispensation has now been shattered by the bombs; and for such a gross violation of deportment, deportation now looms, as Abdal Hakim Murad predicted some years ago.[24]

The marked weakness of the intellectual contribution by British Muslims to subsidiary debates around multiculturalism, citizenship, foreign policy objectives, civil liberties and security issues has become a critical problem. The nature of Muslim community engagement has largely been driven in the past by a political activism without a strong tradition of cultural and intellectual engagement, and by limited self-critical debate within the community itself. This shortfall will prove all the more telling as the national discussion oscillates between culturalist and chauvinist explanations from the Right, namely that Islam itself is the problem, and the reflex of the Left, that disaffection is explained by disadvantage. If that were the case, how could we explain the private school educations of Saajid Badat and Ahmed Omar Saeed Sheikh?

The most important point that British Muslims can make in these secondary debates on issues like multiculturalism is to insist that they cannot be completely redefined by reference to terrorism for the simple

[23] For an authoritative meditation on this and other political issues facing British Muslims see Tariq Modood, *Multicultural Politics: Racism, Ethnicity and Muslims in Britain* (Edinburgh: Edinburgh University Press, 2005).

[24] Abdal Hakim Murad, "Tradition or Extradition? The Threat to American Muslims" in Aftab Ahmad Malik (Ed.,) *The Empire and the Crescent: Global Implications for A New American Century* (Bristol: Amal Press, 2003) pp. 142–155.

reason that whatever the causes of disaffection or disadvantage are among Muslim communities, there is no causal conveyor belt leading automatically to the London attacks. As the abortive attacks of 21 July demonstrate, we cannot afford to slip into the fallacy that the answers lie with cultural issues among disadvantaged Mirpuri communities in the North.[25] Whose cultural idiosyncrasies will next be found to promote Islamist extremism and violence: Somalians, African-Caribbeans or Ethiopians?[26] Problems of disaffection and disadvantage have their own provenance, which are in many ways disconnected with 7/7, and should be addressed as such, but their exploitation by opportunistic advocates of assimilation will in the current climate serve to stifle the Muslim voice, which is essential at present. So in general, the response of the Muslim communities should be to add sophistication to the national debate, to humanize it by aiding understanding of their nuanced, lived experience over the past half century in Britain, of better comprehension of the Muslim world and of the true face of their religion.

Any successful long-term strategy has to prefer a battle of theological ideas, an open, constructive debate about background causes, and a collaborative and smart intelligence-led approach to extremism. But the government may disable any such possibility by its speedy recourse to the law, and runs the danger of creating a country where the loss of precious freedoms will not make any British citizens more secure.

[25] Madeleine Bunting, "Orphans of Islam", *Guardian*, 18 July 2005.

[26] Being the ethnic backgrounds of some of the other deceased suicide bombers or charged suspects associated with the attacks of 7 July and 21 July.

2 The State We Are In

AFTAB AHMAD MALIK

NEVER HAS THE SENSE of belonging been more critical than now. Muslims must see themselves intrinsically interwoven into the fabric of British society if we stand any chance of holding back individuals who seek to tear it apart. Traditional Islam, the normative voice of Islam throughout the centuries, must be empowered to reclaim the discourse of hatred from individuals who are a real threat to our existence as British citizens.

Given the high levels of unemployment[1] and the rise of "Islamophobia",[2] it's quite easy to see why young Muslims can feel alienated and rejected from society. By providing an identity and a sense of belonging, Islam can bring self-respect to an individual who otherwise faces a bleak future. However, the void created by the erosion of traditional Islam which is viewed by some second and third generation Muslims as at best pietistic and at worst misguided, is filled with an activism that is characterised by spiritual arrogance. In this void created by an absence of traditional Islam, young Muslims search for quick and immediate answers. Gone is

[1] Statistics reveal that when compared to other faith groups, Muslims have the highest rates of unemployment. Rates of unemployment are highest for Muslims aged between 16 and 24. See: http://www.statistics.gov.uk/cci/nugget.asp?id=979, accessed 30 August, 2005.

[2] The EU race watchdog, The European Monitoring Centre on Racism and Xenophobia (EUMC), reported that anti-Islamic feeling has "detonated" in the UK since 2001. For a thorough catalogue of the impact of 9/11 on Muslims living in Britain, see "Anti-Islamic reactions in the EU after the terrorist acts against the US", http://eumc.eu.int/eumc/material/pub/anti-islam/collection/UK.pdf, accessed 30 August, 2005. This report looks at the period from 12 September to 31 December 2001. Following the 7th July bombings in 2005, it was reported that religious hate crimes rose six-fold in London and were directed mostly against Muslims. As a result, Zaki Badawi, chairman of the Council of Mosques and Imāms, issued a *fatwā* stating that in the given climate of fear, Muslim women were allowed to take off their head covering (*ḥijāb*) for fear of being attacked physically and verbally.

the need for years of serious theological and legal studies when the truth is determined by personal experience and emotion.[3] No need is there to consult learned scholars when an individual can go directly to the Qur'ān and the *ḥadīth* collections. Ignored is the soul as individuals are more concerned with the outward matters and are no longer able to recognise the symptoms of a diseased and dying heart.

The mosque, which for centuries has served as a place for learning is being side-stepped as the young grapple with the complex questions of modernity, identity, belonging and religion. They search for alternative sources for answers to questions that imāms fail to comprehend. With few exceptions, Friday sermons have become irrelevant as they are delivered in a language that is alien to an increasingly English speaking audience. Tremendous influence can be yielded from these weekly sermons where a congregation can range from the hundreds to two or three thousand, if not more. There needs to be a concerted effort to reach out to these estranged youths who, in the wake of "the war on terrorism", increasingly see being British and Muslim as mutually exclusive. These factors have caused a massive haemorrhaging of the Muslim mind.

A SIMPLIFIED WORLD-VIEW

The challenge to a viable British-Muslim identity is compounded as political interests have come to dominate the public discourse and to a large extent, ethical and moral discourses have become marginalized. The voices of scholars who plead for calm in these times of turbulence have been drowned out by cries of authoritarian amateurs and pamphleteers that have little if any credible training in Islamic law and theology. In the post 9/11-world, their popularity has skyrocketed among the younger generation who see them bold enough to challenge and question the intentions of the Bush administration and the Blair government. The audacious and reckless rallying cries of these demagogues serve as a simple benchmark that quickly identifies who is and who isn't a "real Muslim". The virtue of patience is seen as a vice; misplaced in a time that demands action. The problem is that in their patchwork approach to understanding the world today, these individuals ignore the complexities and nuances of Islamic

[3] For such an example, see the interview with Hassan Butt, former spokesperson of al-Muhajiroun, "A British Jihadist", in *Prospect*, Issue 113: August 2005, pp. 18–24.

scholarship which vanish as a simple and comforting world-view is constructed for Muslims. It is a black and white world, one that is in no need for beauty, diversity or colour. It is a comforting world-view, where good and evil are clearly demarcated and one that is also mirrored by President Bush. Far from being inheritors of the Islamic tradition, these individuals are a by-product of colonialism and modernity that work with a siege mentality shunning other Muslims who seek to blame Muslims for acts of carnage. In the minds of the deluded, Islam has been reduced to a tribe; "Bani-Islam", as Shaykh Hamza Yusuf Hanson describes it. It brings to mind the days of ignorance that preceded Islam; anyone who was slighted in any way had to reckon with the full force of the tribe in retaliation. These Muslims adhere to a mutated, twisted and violent interpretation of honour, and justify acts of violence against anyone who falls outside the tribe, even if they are Muslims. Its rage is indiscriminate, as tribal Islam spares no one.

THE POLITICS OF THE "WAR ON TERROR"

"Just why do terrorists terrorise?" asks Bill Blum, author of *Rogue State* and *Killing Hope*. We have been told time and time again that these terrorists simply "hate our freedoms", and that is all that motivates them. However, Graham E. Fuller, the former vice-chairman of the National Intelligence Council at the CIA has long repudiated such an assertion,[4] along with other officials, think-tanks and journalists.[5] Zbignew Brzezinski, national security adviser during the Carter administration, speaking in a CNN interview came straight to the point when he stated: "[W]e have to ask ourselves, what fuels them? What sustains them? What produces the terrorists?" His answer: "Political rage over a number of issues". One does not need to be a rocket scientist to figure out what the motivations of the terrorists are, when they have always stated them in the clearest terms. As Blum demonstrates:

> The terrorists responsible for the bombing of the World Trade Centre in 1993 sent a letter to the *New York Times* which stated, in part: "We declare our responsibility for the explosion on the mentioned building. This action

[4] Graham E. Fuller, "Muslims Abhor The Double Standard" *Los Angeles Times*, 5 October 2001.

[5] See "Why Do They Hate Us?" in Aftab Ahmad Malik (Ed.,) *With God on Our Side: Politics and Theology of the War on Terrorism* (Bristol: Amal Press, 2005).

was done in response for the American political, economical, and military support to Israel the state of terrorism and to the rest of the dictator countries in the region".

Richard Reid, who tried to ignite a bomb in his shoe while aboard an American Airline flight to Miami in December 2001, told police that his planned suicide attack was an attempt to strike a blow against the US campaign in Afghanistan and the Western economy. In an e-mail sent to his mother, which he intended her to read after his death, Reid wrote that it was his duty "to help remove the oppressive American forces from the Muslims land".

After the bombings in Bali, one of the leading suspects—later convicted—told police that the bombings were "revenge" for "what Americans have done to Muslims". He said that he wanted to "kill as many Americans as possible" because "America oppresses the Muslims".

In November 2002, a taped message from Osama bin Laden began: "The road to safety begins by ending the aggression. Reciprocal treatment is part of justice. The [terrorist] incidents that have taken place [. . .] are only reactions and reciprocal actions".

That same month, when Mir Aimal Kasi, who killed several people outside of CIA headquarters in 1993, was on death row, he declared: "What I did was a retaliation against the US government" for American policy in the Middle East and its support of Israel.[6]

A WAR ON ISLAM?

The pain and anger in the Muslim world has spilled over to Muslims in the West, who increasingly see the "war on terrorism" as a war on Islam. Muslims are made to feel guilty and powerless for not being able to help fellow Muslims against the onslaught by the "Zionist forces", and the "Crusader Americans". From the relentless bombing of Afghanistan to the masquerade that led to the invasion of Iraq and the ensuing chaos and violence; from the destruction of ancient mosques in the city of Fallujah to the Friday raid at the Abu Hanifa Mosque in Baghdad; from the "enemy combatants" held at Guantanamo Bay in limbo, without charge,

[6] Cf., Bill Blum, "Myth and Denial in the War on Terrorism: Just Why do Terrorists Terrorize?", in Aftab Ahmad Malik (Ed.,) *With God on Our Side: Politics and Theology of the War on Terrorism* (Bristol: Amal Press, 2005) p. 109.

trial or access to counsel, to the dehumanising pictures of abuse at Abu Ghuraib; from the killing of the wounded Iraqi by a US Marine, captured forever on television, to the 100,000 "collaterally" killed Muslim men, women and children in Iraq, the reality of this "war on terrorism" becomes crystal clear: Muslims are being humiliated, their blood is cheap and Islam itself is under siege. In this state where primal emotions determine actions, anger quickly emerges in the Muslim psyche. Make no mistake; this anger is real. In the inner cities of Birmingham, East London, Luton, Bradford and elsewhere, you can feel its intensity. The catalyst for the radicalisation of the Muslim mind did not begin with the war on terrorism—this has only served to accelerate it. It was simmering long before 9/11. The single galvanizing issue has always been Palestine. I know this to be true with deadly accuracy. In December 2001, after speaking about the development of Islamic scholarship, questions immediately turned to the issue of suicide-bombing. One individual in particular, who initiated the topic, had great difficulty in understanding why traditional Muslim scholars are against suicide-bombings, wherever they occur. The individual was none other than Asif Mohammed Hanif. Those who knew him, say that he was a gentle giant, a quiet individual who helped his family and others, characteristics no doubt that will be shared by the four recent suicide-bombers. In Asif's case, his concern over Palestine was manipulated with deadly effect and I dare say the same concern played a pivotal role alongside Iraq and Afghanistan in driving the 7/7 suicide-bombers to their destructive ends.

IGNORING THE OBVIOUS

While President Bush and Prime Minister Blair are determined to continue this "war on terrorism" which Donald Rumsfeld called "sustained, comprehensive and unrelenting", they tragically continue to ignore a very real cause of Muslim radicalisation. By rejecting any link between this country's foreign policy towards Iraq and the 7/7 bombings,[7]

[7] The Prime Minister remarked that the 7/7 attacks were "a form of terrorism aimed at our way of life, not at any particular Government or policy". See Transcript of Prime Minister's speech concerning the 7/7 London attacks available from: http://www.parliament.the-stationery-office.co.uk/pa/cm200506/cmhansrd/cm050711/debtext/50711-09.htm, accessed 02 September, 2005.

not only will this create more mistrust of the government's motives in the "war on terrorism", but it also goes against reports from the intelligence services.[8] As far back as 2003, the Joint Intelligence Committee (which oversees the security services) "assessed that al-Qa'ida and associated groups continued to represent by far the greatest terrorist threat to Western interests, and that threat would be heightened by military action against Iraq".[9] Following the train bombings in Madrid in 2004, a Home Office and Foreign Office dossier, ordered by Tony Blair, identified Iraq as a "recruiting sergeant" for extremism. The report clearly acknowledged that "a particularly strong cause of disillusionment among Muslims, including young Muslims, is a perceived 'double standard'" that arises from "the foreign policy of western governments, in particular Britain and the US".[10] Only weeks before the 7/7 attacks, we were informed that "[h]igh-ranking security and intelligence officials warned [...] that the war in Iraq had increased the risk of terrorism in Britain [...]".[11] The *Guardian*, printing information from a leaked report by the Joint Terrorist Analysis Centre which includes officials from MI5, MI6, GCHQ and the police "explicitly linked US-led involvement in Iraq with terrorist activity in the UK [...]".[12] In the US, a report by the influential Defence Science Board, which offers advice to the Secretary of Defence, Deputy Secretary of Defence and the Chairman of the Joint Chiefs of Staff acknowledged in 2004 that "Muslims do not hate our freedom, but rather

[8] Let us also not forget that a poll conducted in 2003 revealed that "79% of Londoners felt that British forces involvement in an attack on Iraq would make a terrorist attack on London more likely". See "Londoners to quiz Mayoral candidates on war, occupation and the impact on London", Press Release by CND, 19 May, 2004. http://www.cnduk.org/pages/press/190504.html, accessed 02 September, 2005. Following the terror attack on London, *The Guardian* published a poll which stated that "Two-thirds of Britons believe there is a link between Tony Blair's decision to invade Iraq and the London bombings despite government claims to the contrary". See Julian Glover, "Two-thirds Believe London Bombings are Linked to Iraq", *Guardian* Unlimited, July 19th, 2005. http://www.guardian.co.uk/attackonlondon/story/0,16132,1531387,00.html, accessed 02 September, 2005.

[9] See George Jones, "Blair Rejected Terror Warnings", *Telegraph*. http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2003/09/12/ndoss12.xml&sSheet=/news/2003/09/12/ixnewstop.html, accessed 03 September, 2005.

[10] Robert Winnett and David Leppard "Leaked No. 10 Dossier Reveals Al-Qa'ida's British Recruits", *The Sunday Times* http://www.timesonline.co.uk/article/0,,2087-1688261,00.html, accessed 03 September, 2005.

[11] James Sturcke, "Intelligence 'Warned of Iraq Terror Link'", *Guardian* Unlimited, July 19, 2005. http://politics.guardian.co.uk/terrorism/story/0,15935,1531732,00.html, accessed 03 September, 2005.

[12] Ibid.

they hate our policies". The report warned that "No public relations campaign can save America from flawed policies".[13]

The public needs to see, hear and be convinced that the government is genuine in tackling extremism, and for this to happen, the government needs to acknowledge the connection between foreign policy and the creation of extremism[14]. The consequence of ignoring or denying such a clear link is quite obvious: a source from where anger, resentment and hatred are drawn from remains ignored and is allowed to thrive unhindered, remaining more dangerous than ever.

OUR STRUGGLE

If America and Britain need to rethink and reassess their foreign policies, mainstream Muslims face critical choices and challenges. The existence of individuals with misguided enthusiasm in Islam should be hardly surprising. All religious traditions have suffered at one time or another at their hands and Islam sadly, is no exception. While I do not hesitate to introduce the term "extremism" into this analysis, I do so carefully and employ this word as a Muslim looking from within his tradition. The Prophet Muḥammad, God bless him and grant him peace, said: "Beware of extremism in the religion" and the Qur'ān in many instances warns: "*Commit not transgression therein, lest My anger should justly descend upon you*," and "*Do not exceed the bounds in your religion*". Islamic terms often used to describe an imbalance in the believer are: *al-ta'assub* "being zealous or a zealot in religion", *al-ghulūw* "excessiveness, extremism", *al-tashdīd* "exceedingly restrictive" and *al-tatarruf* "moving to the farthest point".

[13] Adequately, this conclusion appears under the paragraph heading "What is the Problem?" See *Report of the Defence Science Board Task Force on Strategic Communication* http://www.acq.osd.mil/dsb/reports/2004-09-Strategic_Communication.pdf, accessed 30 July, 2005.

[14] While the conclusions of the government's Task Force on combating extremism within the Muslim community are a welcome contribution and a step in the right direction, it is important to note, as Dr. Hisham A. Hellyer points out, that "Radical extremism is a multi-faceted problem which we have to thoroughly understand in order to properly tackle". One simply cannot reduce the cause of extremism to individuals misreading Islamic texts or to foreign policy. While these are two very real contributory factors, we also need to understand, for example, the impact of modernity and how this is often perceived as a threat and challenge to the Muslim faith. See "Tackling Extremism Together: Working Groups Report Back to Home Secretary", http://www.homeoffice.gov.uk/n_story.asp?item_id=1369, accessed 24 September 2005.

All these words basically signify a tendency that is away from what is deemed moderate and balanced. Contrary to the spin by some Muslim groups, "moderation" says Professor Hashim Kamali, "is recommended and desirable in Islam". He continues:

> There is a great emphasis on justice, moderation and balance in the Qur'ān and *sunna*, to the extent that Islam characterizes itself as a religion of moderation. The Qur'ān also identifies the *umma* (Muslim community) as the *umma* of moderation and balance "*ummatan wasatan*" (Qur'ān, 2:143). We also note that in a number of *aḥadīth* (pl. of *ḥadīth*; saying of the Prophet) the Prophet, peace be on him, praised those who adopt a moderate approach to religion. On several occasions, the Prophet instructed the believers not to overburden themselves in worship and to observe moderation in its performance. Worship should be done with freshness of the heart, not as an exhausting routine carried out, in order to attain merit, in spite of fatigue. To prevent this, various provisions were laid down in the Qur'ān and *sunna* which grant concessions for the traveller and the sick, the elderly, the poor and pregnant women in their observance of religious duties. The Prophet is reported to have said: "Beware of excessiveness in religion (*al-ghulūw fi'l-dīn*). People before you have perished as a result of such excessiveness [...]
>
> The word 'moderate' is sometimes taken to mean 'only half committed'. This is inaccurate because a moderate person may be, indeed should be, just as deeply committed to the principles of the faith as an extremist, however, they will differ in the way they fulfill their commitments; they differ in other words, in regard to the external manifestation of their commitments.[15]

When the average person in the world today associates the very word "Islam" with images of suffering, oppression and violence, it is seen as an idiosyncrasy; a moral and social oddity that is incapable of finding common ground with the rest of human society. Against the backdrop of the acts of violence that are being played on our TV screens, if a Muslim were to say, "Gentleness is not found in something except that it beautifies it, and it is not removed from something except that it mars it", and "Verily, God is kind and gentle and He loves gentleness. God gives upon being

[15] M. Hashim Kamali, "Fanaticism and its Manifestations", in Aftab Ahmad Malik (Ed.,) *The Empire and the Crescent: Global Implications for A New American Century* (Bristol: Amal Press, 2003) pp. 179–180.

gentle what He does not give upon being harsh", you'd be hard-pressed to convince people that these are the very words of the Prophet Muḥammad, God bless him and grant him peace.

FROM EXTREMISM TO ISLAMIC REFORM

Combating extremism within Muslim ranks isn't impossible. Where it reared its ugly head in the past, Muslim scholars were always at the forefront in condemning it, marginalizing it and ejecting it from the mainstream of Islam. This can only occur if the tradition is allowed to articulate itself authoritatively and not artificially, by allowing its scholars to debate and discuss the issues of the age. If the scholars fail to acknowledge, engage and debate these issues, the implicit warning is that they will be addressed and analysed on our behalf. While we have been told that the "war on terrorism" is not a war on Islam, Muslims see an elite which is determined to initiate an "Islamic reformation", telling them what is and isn't "moderate" Islam and what is and isn't good for them. It is no wonder that since the unfolding events of the "war on terrorism", concerns have been raised that the fearful days of colonial domination are back again. If any lessons are learned from colonialism, it is that Muslims became uprooted from their tradition through attempts to "modernize" and "reform" Islam and the consequences have undoubtedly contributed in making the very angry terrorists that Bush and Blair are waging a "war" against today.[16]

[16] Vocal calls for reform from non-Muslims in the West serve only to fuel the terrorists' claim that what the West really wants, and has always wanted, is a new "approved" version of Islam: one that has been rubber-stamped by the Neo-conservatives and their associated think-tanks. The fact that the US government is spending "billions of dollars" in an attempt to "change the face of Islam" to bring about an "Islamic reformation", feeds directly into the hands of conspiracy theorists and the fanatical fringe. The *US News*, citing a classified document, reported that "the US has a national security interest in *influencing* what happens *within* Islam". [emphasis added] See David E. Kaplan, "Hearts, Minds, and Dollars In an Unseen Front in the War on Terrorism, America is Spending Millions . . . To Change the Very Face of Islam", *USNews.com*, http://www.usnews.com/usnews/news/articles/050425/25roots.htm, accessed 25 August, 2005. Even before the invasion of Iraq, then Deputy of Defence Secretary Paul Wolfowitz proclaimed that "We need an Islamic reformation". His sentiments have been echoed by Daniel Pipes, who declared that the " 'ultimate goal' of the war on terrorism had to be Islam's modernisation, or, 'religion-building' ". See Jim Lobe, "From Iraqi Occupation to Islamic Reformation: Neo-cons Aim Beyond Baghdad", Foreign Policy In Focus. http://www.fpif.org/commentary/2004/0404neocons_body.html, accessed 27 August, 2005.

INTELLECTUAL RESPONSES TO THE WEST

To understand the spectrum of attitudes shaping the Muslim perception of the modern world, we must understand the historical and political context in which Muslim intellectuals first sought to respond to the West. By the sixteenth and seventeenth centuries, much of the Islamic world was colonised, and it wasn't until the invasion of Egypt by Napoleon in 1798 that Muslims realised that something was going dreadfully wrong. This reality, lead to three types of responses by Muslim intellectuals: the puritan-literal, the modernist-reformist and the millenialist. The puritans saw that there was a need to return to the purity of the Qur'ān and the *sunna*. Not only were they hostile towards modernity, but their wrath was also focused upon other Muslims who they deemed to have fallen into polytheism (*shirk*) by introducing evil innovations, and thus had contaminated Islam. The second category of intellectuals varied considerably. While also believing that a return to the early generation of Muslims was necessary (*salaf*) they believed that Islam had to be modernised in order to survive the attack by the West. They concluded that the sources that made the West powerful had to be studied and emulated, namely technology, science and education. Reason was given a much more central position as these Muslim intellectuals tried to synthesise European philosophical thought with an "updated" and modern understanding of Islam. Amongst this intelligentsia, diverse calls ranged from the need for nationalism, the return of the Caliphate and the restructuring of the Muslim seminaries along the lines of the European educational system. Others were more drawn to rationalising aspects of Islamic doctrine. The final reaction to Western domination was by the millenialists, who asserted that oppression would end by the coming of the Mahdi, who would appear prior to the Christ (God bless him) towards the end of the world. The battle for independence using these varied responses continued across the Islamic world up to the Second World War, when most Muslim countries achieved independence.[17]

[17] To understand how Muslim responses to imperialism and colonialism varied from South Asia, Africa, the Ottoman Empire, the Middle-East and Egypt, see the classic by Nikki Keddie, *An Islamic Response to Imperialism* (University of California Press, 1983); P.M Holt, *The Mahdist State in the Sudan* (East Africa: Oxford University Press, 1979); Ayesha Jalal, *Self and Sovereignty: Individual and Community in South Asian Islam since 1850* (London: Routledge, 2000) and Hasan Kayali, *Arabs and Young Turks: Ottomanism. Arabism and Islamism* (University of California Press, 1997).

KARL MARX, REVOLUTION AND *JIHĀD*

Following the end of the Second World War, a new generation of Muslim intellectuals realised that by embracing western technology, science and education, Muslims had also imported western values and culture. Seen as corrupting and polluting Muslim society, these intellectuals sought to fend off the cultural, economic and social domination of their former colonial masters. After the two World Wars, many modernist Muslim ideologues were drawn from Marxist and socialist parties, which were seen as credible alternatives to western liberalism and capitalism that were initially seen as necessary to emancipate the Muslim world from its backwardness. The influence of Marxism over these intellectuals is clearly visible. Through their interpretation of Islam, Islam came to be seen as an "ideology" that brought "radical" changes to society. Muslims now sought a "revolution" to reinstate an Islamic "state". Muslims committed to bringing about this revolution were formed along well organised and well disciplined groups. Each group had a leader, agents and "troops". Terminologies alien to the Islamic tradition were introduced, as once again, philosophical and ideological trends that were popular in the West were taken up by Muslims. *Jihād* was seen through the lens of an "anti-imperialist struggle" that resisted capitalism that had corrupted humanity. The most violent and radical of these revivalist trends viewed any Muslim that did not rule by God's law as apostates. Since there was no true Islamic government in the world, these revivalists condemned the entire Muslim world and the "infidel" West. The whole world was now seen as "the abode of war" and *Jihād* was understood to be a state of perpetual war.[18] Only a select few amongst the Muslims were chosen to form a "vanguard" of true believers, whose divine task was to cleanse the world of idolatrous materialism.[19] The idea of a vanguard is so alien to the Islamic tradition, that it more resembles

[18] See Zaid Shakir, "Jihād as Perpetual War" in Aftab Ahmad Malik (Ed.,) *The Empire and the Crescent: Global Implications for a New American Century* (Bristol: Amal Press, 2003) for an examination of this thesis in light of traditional Islamic scholarship.

[19] What I have attempted to capture here are the dominant features of the radical-revivalist strand whose ideology is carried today by groups like al-Qa'ida. For further details on the Arab responses to the challenge of Western powers, see Elie Kedourie, *Afghani and 'Abduh: An Essay on Religious Unbelief and Political Activism in Modern Islam* (London: Franc Cass and CO., Ltd, 1997). Also see Ibrahim M. Abu-Rabi, *The Intellectual Origins of Islamic Resurgence in the Modern Arab World* (New York: State University of New York Press, 1995); Martin S. Kramer, *Arab Awakening & Islamic Revival:*

"a concept imported from Europe, through a lineage that stretches back to the Jacobins, through the Bolsheviks and latter-day Marxist guerrillas such as the Baader-Meinhof gang".[20] The current model for radical Islam has not been derived so much from the Qur'ān and the *ḥadīths* as from the inspiration drawn from "thinkers such as Nietzsche, Kierkegaard and Heidegger".[21] Indeed, as Olivier Roy observes, "[r]adical Islam is part of and heir of the modern Third Worldist anti-US movement".[22] Roy notes that attacks by radical Muslims today are reminiscent of the "Russian Socialist revolutionaries of the end of the nineteenth century, and the idea that a spectacular attack at the heart of the power will suddenly show the alienated masses that their time has come and they will rise up".[23] The irony is that while showing their putrid hatred for the West, al-Qa'ida and those individuals that have any sympathy with them are actually following an Islam that is fused with "Islamicised" nineteenth-century European revolutionary writings.[24] The results of merging a warped interpretation of Islam along with ideas that demand blood sacrifice, revolution and anarchy, would have "horrified Muslims in the past".[25]

THE STATE WE ARE IN

Rather than bringing clarity or an intellectual and spiritual awakening, the movements that arose in the Muslim heartlands responded to foreign

The Politics of Ideas in the Middle East (New Brunswick, NJ: Transaction Publishers, 1996); John L., Esposito (Ed.,) *Political Islam: Revolution, Radicalism or Reform?* (Boulder, CO: Lynne Rienner Publishers Inc., 1997); Ahmad S. Moussalli, *Moderate and Radical Islamic Fundamentalism: The Quest for Modernity, Legitimacy and the Islamic State* (Gainesville, FL: University Press of Florida, 1999) and David Sagiv, *Fundamentalism and Intellectuals in Egypt, 1973–1993* (London: Franc Cass and CO., Ltd, 1995).

[20] John Gray, "How Marx turned Muslim", *The Independent*, 27 July 2002. http://www.themodernreligion.com/pol/marx-muslim.html, accessed 01 September, 2005.

[21] Ibid.

[22] Olivier Roy, *Globalised Islam. The Search for A New Ummah* (London: Hurst & Company, 2004) p. 50.

[23] Ibid., p. 57.

[24] See Ian Buruma and Avishai Margalit, *Occidentalism: A Short History of Anti-Westernism* (London: Atlantic Books, 2005). Particularly interesting is the discussion of the "cult of death" (pp. 50–69.), whereby the authors discuss modern day suicide missions of radical Muslims as having historical precedents in "German-style ethnic nationalism—including pan-Germanism". The authors note that "the idea that freelance terrorists would enter paradise as martyrs by murdering unarmed civilians is a modern invention, one that would have horrified Muslims in the past [...]". (p. 69)

[25] Ibid., p. 69. For further discussions in this regard, see John Gray, *Al-Qaeda and What it means to be Modern* (London: Faber and Faber Limited, 2005) and Roger Scruton, *The West and the Rest: Globalization and the Terrorist Threat* (London: Continuum, 2003).

domination by systematically attacking and undermining past scholarship and the spiritual and intellectual leadership. Far from being rooted in traditional Islam, these reformers dismissed it and interpreted Islam in light of the prevailing ideas of the day and as a consequence, Muslims around the world have inherited a legacy of intellectual and spiritual confusion. Today, reform is seen as a major way to purge extremism, but it is precisely through reform that extremist groups such as al-Qa'ida are able to construct their *jihādist* world-view and claim legitimacy. In addition, the extremists and reformers of today share some commonalities.[26] Both want the right to reinterpret Islam as they see fit which can only be achieved by dismissing the Islamic tradition. By doing so, both vest every Muslim with the competence to be a jurist. At the heart of both the extremist and the reformist understanding of Islam is the individual and the self: there is no need to study the traditional Islamic sciences nor is their any need for recourse to the learned scholars as these give way to an "expression of a personal relationship [...] to faith and knowledge".[27] It should come as no surprise then, to learn that "few al-Qa'ida operatives [...] have a religious education, [with] most having been trained within secular institutions and in technical fields",[28] and it is extremely telling that Osama bin Laden referred to the 9/11 hijackers as belonging to no traditional school of Islamic law.[29] Caught between the terrorists' own reformed and warped version of Islam and cries from the West for an Islamic reformation, the Islamic tradition must be allowed to speak for itself, lest we all face more bloodshed, confusion and misery.

[26] Note that both the extremist interpretation of Islam and the calls for reform arise out of a sense of injustice. As discussed, the reformist movement originally arose as a response to the challenge/threat by the West. Today, al-Qa'ida and those who share its vision cite US foreign policy and the support for Israel as the cause of the ills of the Muslim world. Reform is argued not only to combat extremism, but for perceived injustices that stem from the *sharia*. In the articles that discuss the need for reform, women's rights are almost always cited as having been violated. We should realise that there are truths to all of these grievances: the role of foreign policy in contributing to human suffering *and* Muslim denial that women have had to endure incredible injustices (see footnote 31 and 32). The solution to both these crimes is neither extremism nor reform; rather, it is to reassert the Islamic tradition.

[27] Olivier Roy, op cit., p. 28.

[28] Faisal Devji, *Landscapes of the Jihad: Militancy, Morality, Modernity* (London: C. Hurst & Co., 2005) p. xiii.

[29] His exacts words were "Those youths who conducted the operations did not accept any *fiqh* (school of Islamic law) in the popular terms [...]". Cf., Ibid., p. 13. (Osama bin Laden's words are taken from a transcript translated by George Michael and Kassem M. Wahba referenced in the book.)

THE ISLAMIC TRADITION

While having used the term several times, it would be wise to clarify what I mean when speaking of "tradition" and "traditional" Islam. This word means many things to different people in various contexts. Often we hear that "tradition" is backward and needs to change and adapt to the times in which we live.[30] Many times when people refer to "tradition" in relation to Islam, they are actually referring to village customs, cultural norms and tribal practices which often *clash* with Islam.[31] At other times, "tradition" is invoked to describe harsh conditions imposed on the weakest members of society by the actions of a section of the Muslim community who hold onto only a part of Islam's legal tradition. In doing so, they pursue the letter of the law rather than the spirit of the law and neglect other aspects of the Islamic tradition.[32]

In this discussion, "tradition" is invoked in the context of an inherited scholastic methodology and set of paradigms. Included are the debates, the dissenting opinions, the scholarly exegesis, interpretation and understanding of the ethical, moral, legal, spiritual and philosophical traditions of Islam. Therefore, "tradition" in this sense refers to a transmission, a handing down of something. Those who transmit this tradition have

[30] See Nazim Baksh, *In the Spirit of Tradition* http://masud.co.uk/ISLAM/misc/misc.htm for an interesting discussion along this theme. (Accessed 22 September, 2005.)

[31] While Islam was not sent to erase culture or local practices (Imām Mālik included *'urf* [local custom] as an essential part of his legal principles), these practices are examined in light of the *sharia*. If they are not found to contradict its principles, then that custom or practice continues. Today, much of the blame that "traditional" Islam is accused of is actually the result of those perpetuating acts of aggression. Practices that have no place in Islam (usually carried out against women and children) are often cited by the media *and by the aggressors* as being sanctioned by Islam. These practices include forced arranged marriages, honour killings, sexual assault, domestic violence, and the prevention of education.

[32] Often, the victims of these *fatwās* are women. An interesting study to undertake would be to examine the way in which imāms are trained to understand, interpret and apply the *sharia* in the modern world. It would also be interesting to see the level of education that the average imām has *prior* to joining a *madrasa*, or seminary and to compare modern requirements with those stipulated in the past. In the sixteenth century, an advertisement was placed for the position of Imām of the Grand Mosque in Istanbul. There were seven requirements that any potential applicant had to meet before they could apply: 1. To have mastered the languages of Arabic, Latin, Turkish and Persian; 2. To have mastered the Qur'ān, the Bible and the Torah; 3. To be a scholar in *sharia* and *fiqh*; 4. To have mastered physics and mathematics up to teaching standard; 5. To be a master of chivalry, archery, dueling and the arts of *Jihād*; 6. To be of handsome countenance and 7. To have a strong melodious voice. Cf., *Emel: The Muslim Lifestyle Magazine*, October 2005, issue 13, p. 41. One wonders how many imāms today could match or exceed these sixteenth century expectations.

deep roots in scholarship. This scholarship is bound together by a tapestry of interconnecting chains of transmissions of other scholars, mystics, philosophers, jurists, theologians and sages that reach back generations,[33] leading ultimately to the Prophet Muḥammad himself, God bless him and grant him peace, wherein its authority is confirmed. Central to this authority is mercy, as the first tradition of the Prophet Muḥammad, God bless him and grant him peace, which is taught by the teacher to the student, is: "The merciful are shown mercy by the Merciful One. Show mercy to those on earth and you will be shown mercy by the One in Heaven". From this central tenant of the Islamic tradition, Muslim scholars have understood that in every matter, Muslims should be just, merciful and wise—anything that is lacking in any one of these principles cannot be

[33] This chain is normally referred to as an "*isnād*". An example provided here is that belonging to the contemporary scholar and *sayyid* (descendent of the Prophet Muḥammad, God bless him and grant him peace) al-Shaykh Muḥammad al-Ya'qūbī with whom we had the honour of receiving a license to teach (*'ijaza*) the text, *Shamā'il al-Muḥammadiyyah* ("The Traits of Prophet Muḥammad"). The connection between student, the scholar and his chain of authorities are recorded in a certificate whereby the teacher would confirm the authority to teach that which has been studied with him. In my case, therefore, I would confirm my permission to narrate or teach the book thus:

"I teach/narrate the text *al-Shamā'il al-Muḥammadiyyah* by the noble teacher and Imām, Abū 'Īsā Muḥammad Ibn 'Īsā Ibn Sawrah al-Tirmidhī (d. 279 A.H./892 C.E.) by the authority of and the permission by the *sharīf*, the shaykh, Muḥammad al-Ya'qūbī, who narrates it by the authority and the permission of a group of leading scholars, including the Shaykh, the *Mufti* and the Imām of scholars, Shaykh Muḥammad Abul-Yusr 'Ābidīn al-Husaynī (d. 1401 A.H./1982 C.E) by authority of the permission of his grandfather, the *Fatwā* guardian, 'Abdul-Ghanī Ibn 'Umar 'Ābidīn (d. 1307 A.H./1889 C.E.) on the authority of the outstanding transmitter Shaykh 'Abdur-Rahmān Ibn Muḥammad al-Kazbarī al-Hāfiz (d. 1262 A.H./1845 C.E.) on the authority of Shaykh Mustafā Ibn Muḥammad Ar-Rahmatī al-Ayyūbī (d. 1205 A.H./1790 C.E.) on the authority of the famous devout worshiper, Shaykh 'Abdul-Ghanī Ibn Ismā'īl An-Nābulsī (d. 1143 A.H./1730 C.E.) on the authority of Imām Najmud-Dīn Muḥammad Ibn Muḥammad al-Ghuzzī (d. 1061 A.H./1650 C.E.) on the authority of his father, the Imām and *Hāfiz* (someone who has memorised 100,000 *ḥadīthis*) Badrud-Dīn Muḥammad Ibn Muḥammad al-Ghuzzī (d. 984 A.H./1576 C.E.) on the authority of Shaykh al-Islām, the *Qāḍī* (Judge) Zakariyyā Ibn Muḥammad al-Ansārī (d. 926 A.H./1519 C.E./) on the authority of the Imām and *Hāfiz*, Aḥmad Ibn 'Alī Ibn Ḥajar al-'Asqalānī (d. 852 A.H./1448 C.E.), who heard it from thirty Shaykhs including the transmitter Zaynab Bint (daughter of) al-Kamāl by authority of the permission of Umm Muḥammad 'Ajībah Bint Abū Bakr Ibn Muḥammad al-Bāqdārī by authority of the permission of al-Qāsim Ibn al-Fadl Ibn 'Abdul-Wāhid (d. 567 A.H./1171 C.E) and Rajā' Ibn Hāmid al-Ma'dānī (d. 560 A.H./1164) who both narrate it by authority of the permission of Abul-Qāsim Aḥmad Ibn Muḥammad al-Khalīlī (d. 492 A.H./1098 C.E.) who heard it from Abul-Qāsim 'Alī Ibn Aḥmad al-Khuzā'ī (d. 411 A.H./1020 C.E.) who heard it from al-Haytham Ibn Kulayb Ash-Shāshī (d. 335 A.H./943 C.E.) who heard it from its author Imām Abū 'Īsā Muḥammad Ibn 'Īsā Ibn Sawrah al-Tirmidhī (d. 279 A.H./892 C.E.). May God have mercy upon them all!" Thus this chain of authority takes me from the teacher who has taught me the text, all the way back to the author of the text, who lived some 1,113 years ago.

said to be derived from sacred law. What keeps the tradition living and dynamic is the scholar who is trained to understand both the tradition *and* the modern world in which they live to which the sacred is applied.[34]

TAJDĪD: THE PROCESS OF RENEWAL

What the Muslim world requires is a process of *tajdīd*, or, "renewal". The core traditional Islamic values of mercy, compassion, peace and beauty, those that honour the sanctity of all life have been swept aside in a politically charged Muslim world and they urgently need to be re-established. Muslims need to renew their ethical and moral commitments that are so clearly enumerated in the Qur'ān and embodied in the *sunna*, the practice of the Prophet Muḥammad, God bless him and grant him peace. Writing hundreds of years ago, scholars explained that the process of *tajdīd* includes reviving the hearts of people, spreading justice, upholding fairness and avoiding the shedding of blood. The spread of knowledge is therefore the first necessary step to infuse Muslims with vitality and dynamism, and for this to begin, the scholars must play a leading role. There needs to be a comprehensive programme of training, education and learning within all levels of the Muslim community. Women must also play an essential role in this renewal and can no longer be left behind, forgotten or ignored. The Muslim community also needs leadership that is rooted in traditional learning, encapsulated in a moral and ethical outlook. Myopia has robbed our intellectual discourse of any coherent vision for too long. As a result, there is an emerging community of young Muslims in Britain that believe any means is justified to achieve their political ends. This is a huge departure from normative Islam, which values prudence and courage instead of zealotry; and temperance and justice rather than hate. Zealotry and hate are specific traits identified as detrimental to the soul and Islam's spiritual tradition has always played a vital role in purging these diseases from the heart. In the contemporary world however, these diseases have been invaluable in recruiting and nurturing

[34] A clear example of the application of traditional Islamic legal philosophy in the modern context is Shaykh Muhammad Afifi al-Akiti's *fatwā* in this collection. It would be well noted that while there are many well-argued explanations for 9/11 and 7/7, mostly vis-à-vis foreign policies, nonetheless, those who planned, executed and supported it could not have justified it, had they been trained in this traditional educational model that the early Muslims (*salaf*) articulated, developed and lived by.

a sub-culture of Muslims that view unfolding events behind a lens of conspiracy theories, theological neuroses and religious illiteracy. A deadly cocktail if ever there was one.

KNOWLEDGE VERSUS IGNORANCE

If many non-Muslims suffer from ignorance about Islam, some Muslims are also ignorant about their own tradition. Expressed as an ideology anchored in opposition to the West, and determined to wage a universal *jihād*, these Muslims reduce Islam to a violent anti-intellectual force. Even when retaliating against transgressions by an enemy, the classical Islamic jurists not only understood that acts of terrorism (*ḥirabah*) were punishable by death, they viewed these acts as cowardly and even contrary to the ethics of Arab chivalry.

Far from what we see on our TV screens today, the overriding imperative in Islam is mercy and compassion. Muslims have always known that aggression and excess are forbidden and that mercy, compassion and forbearance are the benchmarks of human dignity. There are innumerable commandments that urge Muslims to show these qualities at all times, despite the conditions in which they may find themselves in, such as: *On those who show compassion, God is the most compassionate* (Qur'ān 12:64); *Wrong not, and you will not be wronged* (Qur'ān 2:279); *If you pardon and overlook and forgive, then surely God is Forgiving, Merciful* (Qur'ān 64:14). Likewise, the *ḥadīth* literature, the sayings of the Prophet Muḥammad, God bless him and grant him peace, are replete with words urging the believers to be just, compassionate and merciful. The Prophet related that God said: "*O My servants, I have forbidden Myself injustice, and have made it forbidden to you; so do not be unjust*". He also said: "*Whoever is guilty of injustice against a fellow human being, whether in regard to his honour or anything else, let him seek his pardon for the Day of Resurrection* [...]". In another saying, he said: "*God is Compassionate and loves those who are compassionate. He is gentle and loves those who are gentle to others. Whoever is merciful to creatures, to him is God Merciful. Whoever does good for people, to him will God do good. Whoever is generous to them, to him will God be generous. Whoever benefits the people, God will benefit him*".

Knowing full well that the Qur'ān teaches Muslims not to allow hatred to drive Muslims to aggression, the Prophet's words are clear: "*Have mercy on people so you may receive mercy; forgive people so* [*that*] *you may be forgiven*". The Qur'ān does not demand that everyone be Muslim, but rather, the Islamic message is that of honouring humanity and bestowing *dignity* upon the whole of humankind. The Islamic doctrine teaches that dignity of humanity precedes that of faith or even no faith. Having faced thirteen years of oppression in Makka, the Prophet Muḥammad, God bless him and grant him peace, migrated to Medina at the request of its tribal leaders and found himself in a multi-ethnic, multi-tribal, multi-cultural and a multi-religious setting. The Jewish Rabbi, 'Abd Allāh ibn Salām went to see the Prophet and to hear what he had to say. He narrated that the first sermon that the Prophet delivered in Medina was: "Oh Humanity, spread peace. Provide nourishment for people. Pray in the night when people are asleep and you will enter into Paradise in security and Peace".

Muslims today must be strong and frank. We need to *be supporters of justice* even if it is against our very own selves, as the Qur'ān instructs. Islam teaches that with infliction comes the strengthening of belief, not its corruption. When faced by threat and persecution, Muslims turn to the prayer of Prophets: "God is enough for us—and what an excellent Guardian!" This is how faith is articulated when we have trust in God at all times. When faith is replaced by tribalism, the response is different; Muslims experience the states of hopelessness, blame, resentment and helplessness. Prayer is substituted for rhetoric and rhetoric leads to hate. In this state, Islam has been enmeshed by the emotions of anger, hate and revenge; emotions which Islam views as detrimental to the human soul. The Qur'ān warns against senseless killing saying: "*Whoever has killed a single human without just cause, it is as if he has killed the entire humankind*".

While many people in the West have a certain degree of fear of Islam, many Muslims hold onto resentment, and by allowing a small group of people to manipulate these emotions, these tribes intend that people across the world should speak in absolutisms: "hating Islam" and "hating the West". Tribal religion and tribal nationalism should be rejected in favour of seeing the human race as an extension of the family of Adam and Eve, with every member of the family having an inherent and inalienable right to dignity and honour.

3 Tribulation, Patience and Prayer

SHAYKH HAMZA YUSUF HANSON

Q: The convenient response to those who revile your religion is to return the favour. The more virtuous position however is to forgive. Forgiveness as you know, while less in virtue when compared to love, nevertheless, can result in love. Love, by definition, does not require forgiveness. What many Muslims today seem to forget is that ours is a religion of love and our Prophet, God bless him and grant him peace, was the *Ḥabīb*, the Beloved. How did love, the defining virtue of our community, come to be replaced by an urge to redress wrongs, to punish instead of to forgive?

A: It is the result of Muslims seeing themselves as victims. Victimization is a defeatist mentality. It's the mentality of the powerless. The word victim is from the Latin "victima" which carries with it the idea of the one who suffers injury, loss, or death due to a voluntary undertaking. In other words, "the victim of one's own actions". Muslims never really had a mentality of victimization. From a metaphysical perspective, which is always the first and primary perspective of a Muslim, there can be no victims. We believe that all suffering has a redemptive value.

Q: If the tendency among Muslims is to view themselves as victims, which appears to me as a fall from grace, what virtue must we then cultivate to dispense with this mental and physical state that we now find ourselves in?

A: The virtue of patience is missing. Patience is the first virtue after *ṭawba* or repentance. Early Muslim scholars considered patience as the first *maqām* or station in the realm of virtues that a person entered into. Patience in Islam means patience in the midst of adversity. A person

should be patient in what has harmed or afflicted him. Patience means that you don't lose your comportment or your composure. If you look at the life of the Prophet Muḥammad, God bless him and grant him peace, you will never find him losing his composure. Patience was a hallmark of his character. He was "the unperturbed one", which is one of the meanings of *ḥalīm: wa kāna aḥlam an-nās*. He was the most unperturbed of humanity. Nothing fazed him either inwardly or outwardly because he was with God in all his states.

Q: Patience is a beautiful virtue. [I recall] the cry of Prophet Jacob: "*fa ṣabran jamīl*" ["So I must observe beautiful patience"[1]]. Patience, it appears, is not an isolated virtue but rather it is connected to a network of virtues. Should Muslims focus on this virtue at the expense of the other virtues?

A: The traditional virtues of a human being were four and Qāḍī Ibn al-ʿArabī considered them to be the foundational virtues, or the *ummahāt ul fadā'il* of all of humanity. They are: prudence, courage, temperance and justice. Prudence, or rather practical wisdom, and courage, are defining qualities of the Prophet. He, God bless him and grant him peace, said that God loves courage even in the killing of a harmful snake. Temperance is the ability to control oneself. Incontinence, the hallmark of intemperance, is said to occur when a person is unable to control himself. In modern medicine it is used to refer to someone who can't control his urine or faeces. But not so long ago the word incontinence meant a person who was unable to control his temper, appetite or sexual desire. Temperance is the moral virtue that moderates one's appetite in accordance with prudence. In early Muslim scholarship on Islamic ethics, justice was considered impossible without the virtues of prudence, courage and temperance.

Generosity as a virtue is derived from courage because a generous person is required to be courageous in the face of poverty. Similarly, humility is a derivative from temperance because the humble person will often restrain the urge to brag and be a show-off because he or she sees their

[1] Editor's note: This was said by the Prophet Jacob (God bless him) upon receiving false news from his sons that Joseph (God bless him) had been eaten by a wolf. He also repeated this years later, when Joseph, now a chief official in the Egyptian monarchy, told his brothers (who did not recognise him) that they would not be able to return with their youngest brother, BenYamin, to their father (see Qur'ān 12:18 and 12:83).

talents and achievements as a gift from God and not from themselves. Patience as a virtue is attached to the virtue of courage because the patient person has the courage to endure difficulties. So "*ḥilm*" (from which you get "*ḥalīm*"), often translated as forbearance or meekness, is frowned upon in our society. Yet it is the virtue we require to stem the powerful emotion of anger. Unrestrained anger often leads to rage and rage can lead to violence in its various shades.

Our predecessors were known for having an incredible degree of patience while an increasing number of us are marked with an extreme degree of anger, resentment, hate, rancour and rage. These are negative emotions, which present themselves as roadblocks to living a virtuous life.

A patient human being will endure tribulations, trials, difficulties and hardships, if confronted with them. The patient person will not be depressed or distraught and whatever confronts him will certainly not lead to a loss of comportment. God says in the Qur'ān: "*Iṣbirū*". "Have patience and enjoin each other to patience". The beauty of patience is that God is with the patient ones ("*innAllāha ma'aṣ- ṣābirīn*"). God says in the Qur'ān: "*Ista' īnū bi-ṣabiri waṣ-ṣalāt*". *Ista'nā* is a reflexive of the Arabic verb "'*anā*" which is "to help oneself". God is telling us to help ourselves with patience and prayer. This is amazing because the Prophet, God bless him and grant him peace, said "if you take help, take help from God alone". And so in the Qur'ān, God says: "*Ista' īnū bi-ṣabiri waṣ-ṣalāt*". This means taking help from patience and prayer because that is the means by which God has given you to take help from Him alone. How is it then that a person sees himself as a victim when all calamities, difficulties and trials, are ultimately tests from God. This does not mean the world is free of aggression and that victims have suddenly vanished. What I am talking about is a person's psychology in dealing with hardships.

The sacred law has two perspectives when looking at acts of aggression that are committed by one party against another. When it is viewed by those in authority the imperative is to seek justice. However, from the perspective of the wronged, it is not to seek justice but instead to forgive. Forgiveness, "'*afwā*" or to pardon someone is not a quality of authority. A court is not set up to forgive. It's the plaintiff that's required to forgive if there is going to be any forgiveness at all. Forgiveness will not come from the *qāḍī* or the judge. The court is set up to give justice but Islam cautions

us not to go there in the first place because "by the standard which you judge so too shall you be judged". That's the point. If you want justice, if you want God, the Supreme Judge of all affairs, to be just to others on your behalf, then you should know that your Lord will use the same standard with you. Nobody on the "Day of Arafat" will pray: "Oh God, be just with me". Instead you will hear them crying: "O God, forgive me, have mercy on me, have compassion on me, overlook my wrongs". Yet, these same people are not willing to forgive, have compassion and mercy on other creatures of God.

Q: Imām al-Ghazālī argued that for these virtues to be effective they had to be in harmony. Otherwise, he said, virtues would quickly degenerate into vices. Do you think that these virtues exist today among Muslims but that they are out of balance? For example, the Arabs in the time of the Prophet, God bless him and grant him peace, had courage, but without justice it was bravado. Prudence without justice is merely shrewdness. Do you think that Muslims are clamouring for justice but have subsumed the virtues of temperance and prudence?

A: Yes. Muslims want courage and justice but they don't want temperance and prudence. The four virtues relate to the four humours in the body. Physical sickness is related to spiritual sickness and when these four are out of balance, spiritual and moral sickness occurs. So when courage is the sole virtue, you no longer have prudence. You are acting courageously but imprudently and it's no longer courage but impetuousness. It appears as courage but it is not. A person who is morally incapable of controlling his appetite has incontinence and thus he cannot be prudent nor courageous because part of courage is to constrain oneself when it is appropriate. Imām al-Ghazālī says that courage is a mean between impetuousness and cowardice. The interesting point to note about the four virtues is that you either take them all or you don't take them at all. It's a packaged deal. There is a strong argument among moral ethicists that justice is the result of the first three being in perfect balance.

Q: You have painted a very interesting landscape in terms of Muslim behaviour in the contemporary period but we are seeing evidence of

resentment among some Muslims today which is very strange indeed. I am wondering how this might be related to a sense of victimization?

A: There is a very strong correlation. Look for example at the word injury. It comes from *injuria*, a Latin word that means unjust. So if I perceive my condition as unjust it is contrary to the message of the Qur'ān. Whatever circumstances we find ourselves in we hold ourselves as responsible. It gets tricky to navigate especially when it comes to the oppressor and the oppressed. The Prophet, God bless him and grant him peace, along with the early Muslim community, spent thirteen years purifying themselves in Makka. These were years of oppression and thus serious self-purification accompanied by an ethic of non-violence, forbearance, meekness and humility. They were then given permission to migrate and to defend themselves. At this point they were not a people out to get vengeance and they were certainly not filled with resentment because they saw everything as coming from God. I'm not talking about being pleased with injustice because that's prohibited. At the same time we accept the world our Lord has put us into and we see everything as being here purposefully, not without purpose, whether we understand it or not. The modern Christian fundamentalists always talk about Islam as a religion devoid of love. It's a very common motif in these religious fundamentalist books that attack Islam. They say "our religion is the religion of love and Islam is the religion of hate, animosity and resentment". Unfortunately, many Muslims have adopted it as their religion, but that doesn't mean resentment has anything to do with Islam.

Love (*maḥaba*) is the highest religious virtue in Islam. Imām al-Ghazālī said that it is the highest *maqām* or spiritual station. It is so because trust, *zuhd* (doing without), fear and hope are stations of this world and so long as you are in this world these stations are relevant, but once you die they can no longer serve you. Love is eternal because love is the reason you were created. You were created to adore God. That's why in Latin the word "adore", which is used for worship in English, is also a word for love, adoration. You were created to worship God, in other words, to love Him because you can't truly adore something or worship something that you don't love. If you are worshipping out of fear, like Imām al-Ghazālī says, it's not the highest level of worship, but the lowest.

Q: A vast number of young Muslims today who have the energy to run down the road of hate do so thinking that it is a display of their faith. What do you say to help them understand that hating wrongs has to be balanced with the virtues of mercy, justice, forgiveness, generosity, etc.

A: The challenge is to get your object of hate right and hate it for the right reason. In other words, there are things that we should hate for the sake of God. Oppression is something that you should hate. It's not *ḥarām* (prohibited) to hate the oppressor, but don't hate them to the degree that it prevents you from being just because that is closer to *taqwā* (awe of God). The higher position is to forgive for the sake of God. God gives you two choices—the high road or the low road—both of them will get you to paradise. We should strive for the highest. Anger is a useful emotion. God created anger in order that we could act and respond to circumstances that need to be changed. Indignation is a beautiful word. Righteous indignation is a good quality and even though it is misused in modern English it's actually a good thing. It means to be angry for the right reasons and then it is to be angry to the right degree because God says, "Do not let the loathing of a people prevent you from being just".

Part 2 THE LAW OF JIHAD

4 Indiscriminate Killing in Light of Islamic Sacred Texts

SUHEIL LAHER

ISLAMIC RULINGS ARE derived from the Qur'ān (the word of God revealed by the Angel Gabriel to the Prophet Muḥammad, God bless him and grant him peace) and the *sunna* (the way shown by the Prophet, including his sayings, deeds, and tacit approvals or disapprovals). What follows is a compilation of Muslim sacred texts in condemnation of wanton destruction and indiscriminate killing.

FROM THE QUR'ĀN

1. [...] *We decreed upon the Children of Israel that whoever kills a soul—unless for a soul*[1] *or for corruption* [*done*] *in the land* [2]*—it is as if he had slain mankind entirely. And, whoever saves one, it is as if he had saved mankind entirely.* (Qur'ān, 5:32)

   This verse establishes the sanctity of life.

2. [...] *And do not kill the soul*[3] *which God has forbidden except by right* [...]. (Qur'ān, 6:151)

3. *And do not kill the soul which God has forbidden except by right. And whoever is killed unjustly, We have given his heir authority*[4] *but let him not exceed limits in* [*the matter of*] *taking life. Indeed, he has been supported* [*by the law*]. (Qur'ān, 17:33)

[1] i.e. in legal retribution for murder, through the requisite channels of justice.
[2] i.e. that requiring the death penalty, again through the requisite legal channels.
[3] i.e. person.
[4] Grounds for legal action.

4. *And [the believers are] those who do not invoke any deity with God, nor kill the soul which God has forbidden except by right, nor commit zinā.*[5] (Qur'ān, 25:68)

   This verse conveys the heinousness of unjustifiably taking a human life, and indicates that wrongful murder is close in enormity to *shirk*[6] and *zinā*.

5. *And fight, in the path of God, those who fight you* [...]. (Qur'ān, 2:190)

   This verse indicates that only those involved in combat are to be fought, which *excludes* non-combatants such as women, children and civilians; a regulation detailed further by narrations from the *sunna*, as mentioned in the following section.

6. *Among mankind is he whose speech impresses you in worldly life, and he calls God to witness as to what is in his heart, yet he is the fiercest of opponents. And, when he goes away, he strives throughout the land to cause corruption therein, and to destroy crops*[7] *and lives.*[8] *And God does not love corruption.* (Qur'ān, 2:204–5)

[5] Illicit sexual intercourse. The Arabic word encompasses both fornication and adultery.

[6] Polytheism or associating partners with God, a sin which is never forgiven to one who dies insistent upon it, as declared in Qur'ān 4:116.

[7] The Arabic word used here, *al-ḥarth*, is generally understood, based on its common lexical meaning, to refer to crops, but see the next footnote for other explanations. *Al-Qāmūs al-Muḥīṭ* also mentions one of the meanings as "earnings".

[8] The Arabic word I have translated here as "lives" is *al-nasl*, which a number of English translations of the Qur'ān have translated as "cattle"—an inaccurate translation as we shall proceed to explain. *Al-Qāmūs al-Muḥīṭ*, an authoritative dictionary of classical Arabic, explains *al-nasl* to be created beings, or offspring. Renowned exegetes have mentioned similar explanations. Qurtubī says, "*al-nasl* is the child which emanates from any [type of] female". See *Al-Jāmī' li-Aḥkām al-Qur'ān*, 3/19. Ālūsī says, "*al-nasl* is every being with a soul [...]. Al-Azharī [an authority in Arabic] said: *al-ḥarth* here is women [as in Qur'ān, 2:223] and *al-nasl* is children. [And it is reported] from [Imām] al-Ṣādiq that *al-ḥarth* here is the religion, and *al-nasl* is people". See *Rūḥ al-Ma`ānī*, 2/144. Shaykh Zādah Rūmī says, in his marginal annotations on Bayḍāwī's exegesis, "*al-nasl* is the noun of *yansilu*, used when something emerges distinct from something else, [...] and so the child is the *nasl* of his parents". See *Ḥāshiyat* Shaykh Zādah *`alā Tafsīr al-Qāḍī al-Bayḍāwī*, 1/514. This selection of quotes establishes clearly that the meaning of *al-nasl* encompasses life in general, and is not restricted to cattle. Perhaps the reason why some translators selected the word cattle here is that the verse, when revealed, first referred to a man at that time named al-Akhnas ibn Shurayq al-Thaqafī, who matched the description of the verses, and destroyed crops and cattle [details of the incident can be perused in most books of Qur'ānic exegesis],

These verses indicate that wanton destruction and indiscriminate killing are tantamount to working mischief /corruption upon the earth.

FROM THE SUNNA

Prohibition against causing suffering even to animals

1. "A woman entered the Fire on account of a cat, which she tied up, neither feeding it, nor letting it eat [for itself] from the vermin of the earth, until it died, and as a result she entered the Fire [of Hell]".[9]

2. "Do not take something with a soul as a target".[10]

   Another version says, "Ibn 'Umar passed by some youths of Quraysh who had set up a bird and were shooting at it, giving any arrows which missed to the owner of the bird. Thereupon, Ibn 'Umar said, 'God curses the one who does this. Verily, the Messenger of God cursed the one who takes something with a soul as a target' ".[11]

   Two variant versions record that, "The Messenger of God forbade taking something with a soul as a target"[12] and that "God curses the one who takes something with a soul as a target".[13]

3. "Indeed, God tortures those who torture people in this world".[14]

which in turn led some briefer exegetes to explain *al-nasl* as cattle. However, there is unanimity among scholars—indeed among all rational people—that the import and significance of Qur'ānic verses derives from the general implication of their wording, and is not restricted to the specifics of the circumstances or situation in which they were revealed. See Suyūṭī's *Al-Itqān fī `Ulūm al-Qur'ān* ("The Perfection in the Sciences of the Qur'ān"), 1/39-40. Hence, there appear no grounds for departing from the literal and general implication of *al-nasl* as "life", and replacing it with "cattle".

[9] Narrated by Bukhārī, Muslim.

[10] Narrated by Muslim, Nasā'ī, Ibn Mājah, Aḥmad.

[11] Narrated by Muslim via Ibn `Umar as quoted, and by Nasā'ī via two routes (Ibn `Umar and Ibn 'Abbās) but without mention of the incident of the bird.

[12] Narrated by Tirmidhī (who graded it *ḥasan ṣaḥīḥ*) and Aḥmad, via Ibn `Abbās. Both of them included mention of Ibn 'Abbās witnessing an incident involving a pigeon, similar to that witnessed by Ibn `Umar as in the preceding narration.

[13] Narrated by Aḥmad, through a sound, continuous chain of transmitters (Hushaym-Abū Bishr-Sa'īd ibn Jubayr-Ibn `Umar).

[14] Narrated by Muslim, Abū Dāwūd and Aḥmad.

The narrator of this *ḥadīth*, Ḥakīm ibn Ḥizām, saw some people in the Levant who had had oil poured over their heads and were being made to stand in the hot sun as a punishment for not paying taxes, and he cited the *ḥadīth* in condemnation of this. This establishes the severe prohibition of inflicting torturous suffering on people, even when they are duly-convicted criminals.

4. "Do not punish with the punishment of God, the Mighty, the Majestic".[15]

   This *ḥadīth* specifically prohibits the infliction of burning on human beings.

PROHIBITIONS AGAINST WRONGFULLY TAKING LIFE

5. "A Muslim remains in latitude concerning his religion as long as he does not take a life".[16]

6. "Avoid the seven ruinous [sins] [...] associating partners with God, sorcery, unlawfully taking life which God has prohibited, consuming interest (*ribā*), consuming the property of an orphan, fleeing on the day of marching [in battle], and accusing a chaste, unaware believing woman of adultery".[17]

SPECIFIC NARRATIONS REGULATING KILLING DURING WAR

7. Ribāḥ ibn al-Rabīʿ al-Tamīmī says, "We were with the Messenger of God in a battle. He saw people gathered, and then he saw a slain woman, whereupon he said, 'This [woman] was not fighting!' "[18]

   Two other versions add, "Thereupon, the Prophet objected to the killing of women and children"[19] and "Catch up with Khālid and

[15] Narrated by Aḥmad (with this wording), as well as by Bukhārī, Tirmidhī (who graded it *ṣaḥīḥ ḥasan*), Abū Dāwūd and Nasāʾī.
[16] Narrated by Bukhārī and al-Ḥākim.
[17] Narrated by Bukhārī, Muslim, Nasāʾī, Abū Dāwūd.
[18] Narrated by Abū Dāwūd, Nasāʾī, Ibn Ḥibbān.
[19] Narrated by Bukhārī, Muslim, Tirmidhī (who graded it *ḥasan ṣaḥīḥ*), Abū Dāwūd, Ibn Mājah.

tell him: The Messenger of God commands you not to kill [women and] children, nor hired workers".[20]

8. Ibn ʿAbbās says: The Messenger of God, when dispatching his troops, would tell them, "[...] Do not behave treacherously, nor misappropriate war-booty, nor mutilate [those whom you kill], nor kill children, nor the people in cloisters".[21]

   Another version contains, "[...] Do not kill a decrepit old man, nor a child, nor a youngster, nor a woman [...]"[22] while two others contain "[...] Do not kill a woman, nor a child, nor an old, aged man [...]"[23] and "Do not kill a child, nor a woman, nor an old man, nor obliterate a stream, nor cut a tree [...]".[24]

9. The words of anyone after the Prophet do not carry independent religious authority, but the above teachings of the Prophet are clearly reflected in the practice of his immediate successor, the first Caliph, Abū Bakr. Abū Bakr gave ten directions to Yazīd ibn Abī Sufyān, one of his commanders, when dispatching him at the head of an army to the Levant:

   "Do not kill any woman, child, or infirm aged person; do not cut down a fruit-bearing tree; do not destroy a dwelling; do not injure a sheep or camel, unless [you need to kill it] for food; neither burn

[20] Narrated by Aḥmad, Ibn Mājah, Taḥāwī and others.

[21] Narrated by Aḥmad, Tirmidhī (who graded it *hasan ṣaḥīḥ*). Shawkānī says, "Its *isnād* contains Ibrahīm ibn Ismāʿīl ibn Abi Ḥabībah, who is weak, but Aḥmad regarded him as reliable". The *Muḥaddith* (Ḥadīth master) Zafar Aḥmad ʿUthmanī adds, "ʿIjlī also said, "he is a reliable Ḥijazī", as in *al-Tahdhīb* (1/104), and the disagreement is of no detriment, and so the *ḥadīth* is *ḥasan*". See *Iʿla al-Sunan*, 12/31.

[22] Narrated by Abū Dāwūd. Shawkānī says, "Its *isnād* contains Khalid ibn al-Fizr, and he is not that [strong]". ʿUthmani graded it as *ḥasan*, observing that Khalid ibn al-Fizr is rated as "acceptable" in *al-Taqrīb* (p. 51), "a shaykh" by Abū Ḥātim as in *al-Tahdhīb*, and accredited by Ibn Ḥibbān. See *Iʿlā al-Sunan*, 12/31.

[23] Narrated by Baghawī, through his *isnād* See *Sharḥ al-Sunna*, 11/11. He said, "This is an authentic *ḥadīth*, narrated by Muslim". It may be observed that Baghawī's wording is more detailed than Muslim's, the latter mentioning only children.

[24] Narrated by Bayhaqī, who said, "Its *isnād* is weak, but it is strengthened by attesting narrations". (see *Iʿlā al-Sunan*, 12/31). Among the supporting narrations is that which Aḥmad has narrated—through a chain containing mediocrity (on account of Ibn Lahīʿah, who is upright but weak in memory) as well as an unnamed narrator:— "Whoever kills a youngster or an old person, or burns a date-palm, or cuts down a fruit-bearing tree, or kills a sheep for its skin, will not return sufficed".

nor submerge a date-palm; do not act unfaithfully [in regard to war-booty]; and do not be cowardly".[25]

A CLARIFICATION ON *JIHĀD*

Jihād is an Arabīc noun, coming from the verb meaning to strive to the utmost. There are various types of religious striving, each of which is a type of *jihād*.

1. Striving to overcome one's own evil tendencies, to fight against Satan's evil prompting, and to purify one's self.

   Verily, Satan is an enemy to you, so take him as an enemy. (Qur'ān, 35:6)

   The Prophet Muḥammad, God bless him and grant him peace, said, "The *mujāhid*[26] is the one who strives against his self".[27]

2. Serving one's parents can be a form of *jihād*.

   A man once came to ask the Prophet's permission to go to battle. The Prophet enquired if the man's parents were alive, and upon learning that they were, told him, "Then perform *jihād* in their midst [by taking care of them well]".[28]

[25] Narrated by Mālik. Qadī Shawkānī said, "It is discontinuous". However, it is known that the discontinuous narrations of Mālik's *Muwatta'* can all be found continuously narrated elsewhere, and are regarded as reliable by Mālik, as pointed out by `Uthmani, and others. See for example, Dihlawi, *Hujjat Allāh al-Bālighah*, 1/249; `Umari, *Bu ḥūth fi Tarikh al-Sunnah al-Musharrafah*, 242; `Uthmani, *I`la al-Sunan*, 12/25.

[26] *mujāhid* means "one who performs *jihād*".

[27] Tirmidhī (*ḥasan ṣaḥīḥ*), Aḥmad, Ibn Ḥibbān.

[28] Narrated with the wording, "Then perform *jihād* in their midst", by Bukhārī, Muslim, Tirmidhī (*ḥasan ṣaḥīḥ*), Nasā'ī, Abū Dāwūd, Ibn Mājah, Aḥmad. Another version, recorded by Muslim, says that the Prophet asked him, "Do you desire the reward from God?" and that when the man replied in the affirmative, he told him, "Then go back to your parents and keep good companionship with them". Another version, with Nasā'ī, Ibn Mājah and Aḥmad, says that the man mentioned that he had left behind his parents crying, whereupon the Prophet told him, "Then go back to them, and make them smile as you have made them cry". Another version with Aḥmad has the same wording, with the addendum, "And [the Prophet] refused to accept his pledge [to fight]". The chain of narration of this set of narrations is common, and contains *'Aṭā' ibn al-Sā'ib*, who was a reliable narrator except that his memory deteriorated in old age. A version with Aḥmad has, "Then go back and show kindness to your parents". Its narrators are reliable, except that Muḥammad ibn Ishāq used to commit *tadlīs*, and Yazīd ibn Abi Ḥabīb used to commit *irsāl*.

3. Speaking out against evil in one's society.

   "The best *jihād* is to speak a true word before a tyrant ruler".[29]

4. Conveying the message of Islam.

   Invite to the way of your Sustainer with wisdom, and excellent exhortation, and dispute with them in the best way. (Qur'ān, 16:125)

   Therefore, do not obey the non-Muslims [regarding your religion], but strive against them, with [the Qur'ān], a great striving. (Qur'ān, 25:52)[30]

   The striving here refers to conveying the message of Islam peaceably, for there is general agreement that this verse was revealed in Makka[31], and there is no disagreement that warfare was prohibited for Muslims in the Makkan era.

5. Striving in a just war, for the right reasons, either on the battlefield, or through some other assistance.

   "Perform *jihād* against the pagans with your wealth, your selves and your tongues".[32]

   It should be noted that this text is not a call, let alone a justification, for Muslims to attack each and every non-Muslim. There are very specific circumstances in which warfare can be justified, and even

Note: *Tadlīs* and *irsāl* are technical terms in *ḥadīth* methodology, and their meaning is as follows: X has committed *tadlīs* if X has met Y, but narrates from him some *ḥadīth* which he has not heard directly from him, and yet does not mention any intermediaries, giving the impression of direct transmission. X has committed *irsāl* if he was from the second generation after the Prophet, such that he did not meet him, and yet narrates *ḥadīth* which he attributes directly to the Prophet, without mentioning any intermediary between. Both *irsāl* and *tadlīs* are among the sources of lesser weakness in a single narration, but the doubt introduced can be effectively dismissed if other, independent, supporting narrations exist. See, for further discussion: M. M. Aẓamī, *Studies in Ḥadīth Methodology and Literature*, 58–67; Qārī, *Sharḥ Sharḥ Nukhbat al-Fikar*, pp. 399–423. From the preceding details, it appears that the wording cited in the main text is most reliable. It should also be noted that in a dire situation, such as when one's own city is under attack, one could (and actually should) go and defend the city even if the parents disapprove, as indicated by another narration.

[29] Tirmidhī (*ḥasan gharib*), Abū Dāwūd, Nasā'ī, Ibn Mājah, Aḥmad.

[30] The commentary on this verse is examined in David Dakake's essay in this collection.

[31] See for example: Suyuti's *al-Itqān*, 1/17, Ālūsī's *Rūḥ al-Ma`ānī*, 19/49, Qurṭubī's *Al-Jāmī` li-Ahkām al-Qur'ān*, 13/3 and 13/56.

[32] Abū Dāwūd; Nasā'ī, Aḥmad, Dārimī.

then the aim is not to annihilate one's opponents. It is important to view texts such as this *ḥadīth* within their original historical context, as well as within the context of the complete corpus of relevant sacred texts.

WHEN IS WARFARE JUSTIFIED?

This brings us to the question: What constitutes a just war for Muslims? Combat is not to be sought after for its own sake. The Prophet said,

"O people! Do not wish for an encounter with the enemy, and ask God for well-being, but when you encounter them be steadfast".[33]

Islam strictly regulates when war is permitted, as well as how it must be undertaken when it is unavoidable. During the early part of the Prophet Muḥammad's message, God bless him and grant him peace, while he preached in his birthplace of Makka, he and his followers were prohibited from fighting, as referred to previously:

Have you not seen those who were told, 'Restrain your hands [from warfare], and establish the prayer and give the purifying charity?' (Qur'ān 4:77)

This period lasted for thirteen years, and the prohibition was observed in spite of the fact that the early Muslims were persecuted severely, so much so that those who were able eventually emigrated to Abyssinia and Medina. The religion continued to develop with ongoing revelation of the Divine Law during the Prophet's lifetime, and fighting was later permitted. The following are the causes for which Islam allows fighting:

1. Fighting in self-defence, to thwart an act of aggression, which has been committed, or is clearly about to be committed.

   And fight, in the path of God, those who fight you. (Qur'ān, 2:190)

2. Fighting in response to injustice and oppression.

   Permission is given to those who fight because they have been wronged. (Qur'ān, 22:39)

   Had it not been for God's countering some people by means of others, the earth would surely have become decadent. (Qur'ān, 2:251)

[33] Bukhārī, Muslim.

3. Fighting to secure religious freedom for oppressed Muslims, or to reinstate freedom and calm to allow people in general to become informed about Islam and then make their choice of religion without persecution for it.

   What is the matter with you, that you do not fight in the path of God, and (for the sake) of the oppressed from among the men, women and children who say: Our Sustainer! Deliver us forth from this city, whose people are oppressors!? (Qur'ān, 4:75)

   And fight them until there is no more persecution. (Qur'ān, 8:39)

   Muslims may not, however, force people to convert to Islam. History and Islamic sacred texts testify to the peaceful coexistence of non-Muslims in Muslim societies.

   [*Let there be*] *no compulsion in religion.* (Qur'ān, 2:256)

   Islam teaches that the human being has been given free will, to choose whether or not to submit to the truth and to obey his Creator, and in the Afterlife people will be brought to account and judged for their choices. Islam lays great stress on personal accountability, emphasizes the importance of truth, and teaches that an honest seeker can recognize the truth. However, this world is considered the abode of testing, and a forced conversion is antithetical to the concept of testing. The Hereafter is the abode of recompense, wherein evil and rejection will be punished by a just God.

REGULATIONS OF WARFARE

Even in conditions in which war is justified, Islam constrains the fighting within clear ethical and humane guidelines, most prominent of which are the following:

1. The intention should be solely for the sake of God, not for fame, glory, wealth or goods, nor to merely further personal ambition or power.

   A man asked the Prophet what constitutes fighting in the path of God, saying, "A man may fight out of rage, or [merely] out of

bravery, or to show off". The Prophet replied, "Whoever fights in order that the word of God should be highest, he is in the path of God".[34]

Among the people with whom Hell will be kindled on the Day of Judgment will be a man who fought in a just war, but did so to gain a reputation as a brave soldier rather than fighting for the sake of God.[35]

2. Reasonable initiatives for peace are to be heeded, and fighting must stop if the enemy desists from hostility.

   And, if they incline towards peace then incline [you also] towards it. (Qur'ān, 8:61)

   If they desist, then let there be no enmity except toward the oppressors. (Qur'ān, 2:193)

   The wars between the Muslims and the Romans started when the latter declared war by killing an envoy of the Prophet. Despite this initiation of hostility, the Prophet, upon dispatching his troops to the battle of Mu'tah, the first of the subsequent battles, instructed his army to first invite the enemy to Islam, and not to attack should they accept. Similarly, even if an enemy soldier, who is about to be killed in the midst of battle, utters the declaration of faith in Islam, his life is to be spared, even though he may be insincere. God will judge him according to his intention.

3. Requests for protection and safe passage are to be granted and honoured.

   If one of the pagans seeks your protection, then grant him protection, so that he may hear the word of God, then escort him to a place of safety. (Qur'ān, 9:6)

   Umm Hānī, a female, Muslim cousin of the Prophet, once gave a pledge of protection to a non-Muslim man, but feared that

[34] Muslim, Bukhārī, Abū Dāwūd, Tirmidhī (*ḥasan ṣaḥīḥ*), Ibn Mājah.
[35] Muslim, Tirmidhī (*ḥasan gharīb*), Nasā'ī, Aḥmad.

this guarantee might not be respected. The Prophet told her, "We have granted protection to whom you have granted protection, O Umm Hānī".[36]

The Prophet granted diplomatic immunity even to the envoy of a hostile government which he viewed as illegitimate; that of Musaylimah the false prophet.[37]

4. Non-combatants, such as women and children, may not be targeted.

   And fight, in the path of God, those who fight you, and do not transgress limits. (Qur'ān, 2:190)

   Ribāḥ ibn al-Rabīʿ al-Tamīmī, one of the Prophet's companions, says, "We were with the Messenger of God in a battle. He saw people gathered, and then he saw a slain woman, whereupon he said, 'This [woman] was not fighting!' "[38] Another version adds, "Thereupon, the Prophet objected to the killing of women and children".[39]

5. When it becomes necessary to kill an enemy soldier, the killing should be done in the most humane way possible, and the body should not be mutilated, whether before or after killing. Tactics such as communal starvation are also inhumane and unethical. Prisoners of war are to be treated well.

   "The most restrained people in killing are the people of True Faith (*īmān*)".[40]

   "The Messenger of God used to encourage us to give charity, and used to forbid us from mutilation".[41]

   Charity is positive, contributing to the building of society, whereas mutilation is destructive and pointless. The Muslim is

[36] Bukhārī, Muslim.
[37] Abū Dāwūd.
[38] Narrated by Abū Dāwūd, Nasāʾī, Ibn Ḥibbān.
[39] Narrated by Bukhārī, Muslim, Tirmidhī (who graded it *ḥasan ṣaḥīḥ*), Abū Dāwūd, Ibn Mājah.
[40] Abū Dāwūd, Ibn Mājah, Aḥmad.
[41] Bukhārī.

meant to strive to be a positive and constructive influence on the world. Mutilating bodies and targeting civilians are not only unjustified, but also sow resentment and bitterness in the hearts and minds of people on the other side. This is not what Islam wants. Islam seeks the welfare of mankind, and to endear itself to people so that they will be receptive to it and hence benefit from it.

We have sent you [O Muḥammad] only as a mercy to all creation. (Qur'ān 21:107)

6. It is not permissible to destroy property, kill animals, cut down trees or burn dwellings (when not dictated by dire necessity), for such actions are forms of corruption.

   Among mankind is he whose speech impresses you in worldly life, and he calls God to witness as to what is in his heart, yet he is the fiercest of opponents. And, when he goes away, he strives throughout the land to cause corruption therein, and to destroy crops and lives. And God does not love corruption. (Qur'ān, 2:204–5)

7. It is not permissible to plunder.

   "The Messenger of God forbade plundering and mutilation".[42]

   After one of the battles in the time of the Prophet, a man was found killed in combat. People started to say, "He is a martyr," but the Prophet told them, "He is in the Fire [of Hell] because of a garment which he misappropriated".[43]

8. It is prohibited to break pledges, or to behave treacherously.

   The Prophet used to instruct his forces, before dispatching them, "[...] do not behave treacherously [...]".[44]

   "When a man has confidence in another man, and then he kills him after he had confidence in him, a banner of treachery will be hoisted for him on the Day of Resurrection".[45]

[42] Bukhārī.
[43] Muslim, Tirmidhī (*ḥasan ṣaḥīḥ gharīb*), Aḥmad.
[44] Aḥmad, Tirmidhī (*ḥasan ṣaḥīḥ*).
[45] Ḥākim, who judged it authentic, and was corroborated by Dhahabī.

9. Forgiveness and other higher moral values are also stressed. The Prophet once forgave a man who tried to assassinate him in his sleep.[46] He also forgave a group of 70-80 would-be assassins who were apprehended by his men at Tan'im.[47] He forgave a Jewish woman who tried to poison him.[48] And, when he re-entered his birthplace of Makka in triumph, after years of persecution by its inhabitants and years of exile, he granted a general amnesty to its people, his former bitter enemies and antagonists.[49]

10 Finally, we may note that war is in the realm of government affairs, and as such can only be declared by a legitimate Islamic government. The individual does not have the right to assume this responsibility, unless he is under direct attack, in which case he may obviously defend himself against the attacker.

MARTYRS

Fighting and risking one's life for a just cause, for the greater good of people, is a noble endeavour. One who is doing this sincerely and purely for the sake of God, with true and correct faith, is indeed to be commended, and has performed the highest form of *jihād*. Human beings themselves feel the desire to decorate and honour people who they feel have died in such a cause. Surely, God is more just in rewarding, and more generous. The fact that God rewards a martyr is then quite comprehensible, and is not to be taken (as some attempt to portray it) as a glorification of warfare for its own sake, especially in light of the stringent Islamic regulations we have already mentioned.

Do not think those who were killed in the Path of God to be dead. Nay, they are alive, receiving sustenance from their Creator. (Qur'ān, 3:169–70)

We may also note that the Prophet has listed numerous other ways in which a Muslim can achieve martyrdom, although the martyr of the battlefield has a higher rank. He said, "Martyrs are seven [categories] other than being killed in the Path of God: The one who dies in plague is

[46] Bukhārī.
[47] Muslim, Tirmidhī (*ḥasan ṣaḥīḥ*), Abū Dāwūd, Aḥmad.
[48] Muslim.
[49] Ibn Sa'd.

a martyr, the one who drowns is a martyr, the one who dies of a lung inflammation is a martyr, the one who dies of a stomach ailment is a martyr, one who dies in a fire is a martyr, the one who dies under the collapse of a building is a martyr, a woman who dies after delivery [of a child] is a martyr".[50]

EPILOGUE

Islam does not preach indiscriminate antagonism or blind hatred towards non-Muslims. Warfare is permitted only under certain compelling circumstances, and is guided by strict regulations. Muslims are to wish people well in general, and are obligated to share Islam with them, out of a hope that they would embrace it and thereby benefit themselves by it. However, while he can wish and pray for their conversion, he cannot force them. Even if they do not embrace Islam, a Muslim is still to deal kindly and justly with them, more so if they are his relatives or neighbours.[51] The following verse summarizes the normal state of relations between Muslims and non-Muslims:

God does not prohibit you from being kind and just to those who have not fought you on account of religion, nor expelled you from your homes. God loves those who are just. (Qur'ān 60:8)

[50] Narrated in this form by Mālik. Bukhārī, Muslim, Nasā'ī, Tirmidhī (*ḥasan ṣaḥīḥ*), Ibn Mājah, Aḥmad have reported the *ḥadīth* with five categories. It may be noted that Bukhārī quoted Mālik's version (7 categories) in his chapter heading, but then cited the version of the *ḥadīth* which mentions 5 categories. There is no contradiction, as discussed by Hafiz Ibn Hajar in *Fatḥ al-Barī* (6/51-52). He mentions that actually more than twenty forms of martyrdom can be collected from different soundly transmitted *ḥadīths*. One *ḥasan ḥadīth* even says that every death a Muslim dies is martyrdom. Of course, there are different levels of martyrdom, the most superior being that of being killed in the Path of God, since the voluntary sacrifice made there is greatest.

[51] The Prophet, God bless him and grant him peace, has said, "By God, he does not have [proper] faith [...] he whose neighbour is not safe from his mischief". (Bukhārī)

He also said, "Gabriel continued to advise me concerning [rights of] the neighbour, until I thought he would make him inherit". (Bukhārī and Muslim)

5 The Myth of a Militant Islam

DAVID DAKAKE

In the post-September 11th environment there is an urgent need for a clear enunciation of the views of traditional Islam in regard to *jihād*, so-called "holy war". The first matter which needs to be made clear is that *jihād* is not simply fighting or holy warfare. In Arabic, *jihād* literally means "effort", that is, to exert oneself in some way or another. Within the context of Islam, *jihād* has the meaning of exerting oneself for the sake of God, and this exertion can be in an infinite number of ways, from giving charity and feeding the poor, to concentrating intently in one's prayers, to controlling one's self and showing patience and forgiveness in the face of offences, to gaining authentic knowledge, to physical fighting to stop oppression and injustice. Generally speaking, anything that requires something of us—that is, requires that we go beyond the confines of our individual ego and desires—or anything that we bear with or strive after for the sake of pleasing God can be spoken of as a "*jihād*" in Islam.[1] This understanding of *jihād* is such that when the "five pillars"[2] of the faith are taught, *jihād* is sometimes classified as a "sixth pillar"

[1] As regards women, for example, there are *ḥadīth* that declare that the "*jihād* of women" is making the pilgrimage (*ḥājj*) to Makka. See Bukhārī, *Ṣaḥīḥ Bukhārī* (Medina: Dār al-Fikr, n.d.), vol. 4, pp. 36, 83–84 (*Kitāb al-jihād*, *ḥadīth* n. 43, 127, 128). There are also *ḥadīth* concerning the various types of death that qualify one as a martyr (*shahīd*), i.e., as having died like a fighter in *jihād*. One such type of death is said to be the death of a woman in childbirth. Other traditions in *Ṣaḥīḥ al-Bukhārī* imply that women can fulfil the duty of *jihād* by attending to the wounded on the battlefield (see *Saḥīḥ* vol. 4, pp. 86–87, *ḥadīth* n. 131–134). See also Muslim, *Ṣaḥīḥ Muslim* (printed with commentaries) (Beirut: Dār al-Kutub al-'Ilmiyya, 1978), vol. 5, pp. 153, 157.

[2] These are: 1) testifying that there is only one true God and that Muḥammad is His messenger, 2) praying five times a day, 3) paying a charity-tax every year, 4) fasting during the month of Ramaḍān, and 5) making a pilgrimage to Makka once in one's life, if one has the means and the health to do so.

which pervades the other five, representing an attitude or intention that should be present in whatever one does for the sake of God.

This being said, there is no doubt that *jihād* has an important martial aspect. To understand this we should remember that within the Islamic tradition the term "*jihād*" has been understood to possess two poles: an outward pole and an inward pole. These two poles are illustrated in the words of the Prophet of Islam when he said to his companions, after they had returned from a military campaign in defence of the Medinan community: "We have returned from the lesser (*asghar*) *jihād* to the greater (*akbar*) *jihād*".[3] Here the lesser *jihād* refers to physical fighting, whereas having come back to the relative physical safety of their city of Medina, the Muslims faced yet a greater *jihād*—namely, the struggle against the passionate, carnal soul that constantly seeks its own self-satisfaction above all else, being forgetful of God. This famous saying of the Prophet emphasizes the hierarchy of the two types of *jihād*, as well as the essential "balance" that must be maintained between its outward and inward forms,[4] a balance often neglected in the approach of certain modern Islamic groups that seek to reform people and society from "without", forcing change in the outward behavior of men and women without first bringing about a sincere change in their hearts and minds. This is the lesson of the words of the Qur'ān when God says, *We never change the state of a people until they change themselves* (Qur'ān 13:11).[5] This lesson, as we shall see when we examine the earliest military *jihād*, was not lost on the first Muslims.

In the present crisis, the pronouncements of many self-styled Middle East "experts" and Muslim "authorities" who have dealt with the subject of *jihād* have generally been of two kinds. There have been those who

[3] See 'Aljunī, *Kashf al-khafā'* (Beirut: Dār Iḥyā' al-Turāh al-'Arabī, 1968), *ḥadīth* n. 1362.

[4] It should be noted that "outward *jihād*" is by no means only military in nature. The arena of outward *jihād* is the level of human action. It is not concerned with inner attitudes of the soul, such as sincerity and love (which constitute the realm of the inner *jihād*) but with proper outward action alone, as defined by the religious law (*sharī 'a*).

[5] The word translated here as "themselves", *anfusihim* in Arabic, may be more literally translated as "their souls". This demonstrates an essential Qur'ānic perspective: the inner struggle (i.e., "until they change *their souls*") takes precedence over the outer struggle (i.e., the particular state in which a people exist at the moment) and furthermore, that no amount of purely outward actions can overcome hypocrisy of soul.

have sought, in a sense, to brush aside the whole issue and history of military *jihād* in Islam in favour of a purely spiritualized notion of "striving" in the way of God; and there have been those, both Muslim and non-Muslim, who have provided literal or surface readings of Qur'ānic verses related to *jihād* and "fighting" (*qitāl*) in an attempt to reduce all of Islam to military *jihād*.[6] The first view represents an apologetic attitude that attempts to satisfy Western notions of non-violence and political correctness but, in so doing, provides an "understanding" that lacks any real relationship to the thought of the majority of Muslim peoples throughout Islamic history. The second view, which would make Islam synonymous with "warfare", is the result either of sheer ignorance or of political agendas that are served by the perpetuation of animosity between peoples. This second position ignores entirely the commentary and analysis of the Islamic intellectual tradition that has served for over one thousand years as a key for Muslims to understand Qur'ānic pronouncements related to *jihād*. In this essay we will neither water down the analysis of *jihād* to suit those modernists who oppose any notions of legitimate religious struggle and conflict, nor disregard, as do the "fundamentalists", the intellectual and spiritual heritage of Islam which has defined for traditional Muslims the validity, but also the limitations, of the lesser *jihād*.

In carrying out this study we propose to examine those verses of the Qur'ān that deal with fighting, as well as those which define those who are to be fought against in *jihād*. We will also provide, along with this textual analysis of Qur'ānic doctrines of war, an historical analysis of the actual forms of the earliest *jihād* and the conduct of the *mujāhidūn*, the fighters in *jihād*, as exemplified by the Prophet of Islam and his successors, the "Rightly-guided Caliphs", given that their actions have served for Muslims as an indispensable example to clarify Qur'ānic pronouncements.[7] In this way, we hope to avoid both the etherialization of *jihād* by Muslim

[6] There are a few important exceptions to this categorisation. Among them are the articles of Khaled Abou El Fadl, "The Place of Tolerance in Islam", in the book by the same title, Eds. J. Cohen and I. Lague (Beacon Press, 2002), "The Rules of Killing at War: An Inquiry into the Classical Sources", *Muslim World* 89, no. 2 (April 1999), and Sherman Jackson, "Jihad and the Modern World", *The Journal of Islamic Law and Culture* (Spring/Summer 2002).

[7] For examples of how these traditional teachings were followed in later generations see Reza Shah-Kazemi's "Recollecting the Spirit of *Jihād*" in Joseph E. B. Lumbard (Ed.,) *Islam, Fundamentalism, and the Betrayal of Tradition* (World Wisdom Books, 2004).

apologists, and the distortion of the tradition at the hands of the "fundamentalists". Lastly, we will examine "fundamentalist" interpretations of *jihād* and compare them with the traditional understanding of *jihād* in the early Qur'ānic commentaries and the actual history of Islam.

"DO NOT TAKE CHRISTIANS AND JEWS AS *AWLIYĀ*"

Following the events of September 11th there is one verse of the Qur'ān which has often been quoted by radio announcers, talk-show hosts, and "fundamentalists" in both the East and the West. Before we deal with the actual issue of warfare or military *jihād*, it is necessary to say something about this verse which, if not understood correctly, can bias any further discussions. This verse appears in chapter 5, verse 51 of the Qur'ān:

> *O, you who believe [in the message of Muḥammad], do not take Jews and Christians as awliyā'. They are awliyā' to one another, and the one among you who turns to them is of them. Truly, God does not guide wrongdoing folk.*

The word *awliyā'* (sing. *walī*), which we left above in the original Arabic, has been commonly translated into English as "friends".[8] Given this translation, the verse appears to be a very clear statement opposing what we might term "normative" or "kindly relations" between Muslims and non-Muslims; but when we look at the traditional Qur'ānic commentaries of medieval times, which discuss the events surrounding the revelation of this verse, the modern translation becomes suspect. But before examining this issue in depth, it is necessary to clarify the importance of "verse context" in the Qur'ān. Here a comparison between the Biblical text and the Qur'ān is helpful.

Comparing the Bible and the Qur'ān, we can use certain images to illustrate some of the major stylistic differences between the two sacred scriptures. We could say, for example, that the Bible is like a "flowing stream"; when one reads the text there is a constant contextualization of the various verses, stories, chapters, and books. One begins reading with the story of Genesis, the creation of the world and the first man and woman, and then proceeds on through time, moving into the stories of

[8] Although it is incorrect in this context, the six major translations of the Qur'ān available in English, those of A. J. Arberry, Marmaduke Pickthall, N. J. Dawood, Yusuf Ali, Ahmad Ali, and El-Hilali/Khan, all translate the word *awliyā'* as "friends".

the early patriarchs, then the later Hebrew judges and prophets, the coming of Christ, the post-Jesus community of the Apostles, and finally the end of the world in the Book of Revelation. As one reads the Bible there is a historical context established for each of the major stories and events which enables the reader to situate what is being said within time and space, and indeed priority. The orientation of events as related to the chapters and verses is made explicit through the historical "flow" of the stories and, in the case of the New Testament, the eventual culmination of the text and all history.

In contrast, if we were to use an image to illustrate the Qur'ānic revelation, it would be that of an individual standing upon a mountain at night as lightning flashes on him and in a valley below.[9] As this individual looks out upon the landscape shrouded in darkness, he would see sudden flashes, sudden illuminations of different portions of the mountain and the valley, but there would not appear to be any immediate relationship between these different illuminated regions, surrounded as they are by vast shadows. Of course, a relationship does exist between the different areas illuminated by the lightning, but that relationship is not explicit. It is hidden amid the darkness. This is something like the situation that is faced by the reader upon first examining the Qur'ān. One will often read sections of the text and wonder what is the relationship between the various pronouncements that one encounters, for the Qur'ān does not tell "stories" as the Western reader is accustomed to from the Biblical tradition. In fact, there is only one "full-length" story in the Qur'ānic text, in the chapter on the prophet Joseph. The rest of the Qur'ān is a series of verses grouped into chapters and sections, and often two verses right next to one another will actually refer to two completely different events in the life of the early Islamic community. It is for this reason that the Qur'ānic commentary tradition (*Tafsīr*) deals so extensively with what is known in Arabic as *asbāb al-nuzūl*, or the occasions for God revealing particular Qur'ānic verses. Without reference to these "occasions" of revelation most of the verses of the Qur'ān would be susceptible to any and all forms of interpretation. This issue of the need for knowledge of the commentary tradition is, of course, further complicated—for those unable to read the original Arabic

[9] We owe this image to Dr. Seyyed Hossein Nasr.

text—by translations, which often add yet another layer of difficulty for coming to terms with the meaning of the verses. When we examine verse 5:51, we encounter both these problems of context and translation.

The difficulties in understanding verse 5:51 begin with the translation of the Arabic word *awliyā'*, commonly rendered as "friends". In the context of this verse, the word *awliyā'* does not mean "friends" at all, as we use the term in English, and we know this from examining the occasion for its revelation. While it is true that *awliyā'* can mean "friends", it has additional meanings such as "guardians", "protectors", and even "legal guardians". When we consult the traditional commentaries on the Qur'ān, we are told that this verse was revealed at a particularly delicate moment in the life of the early Muslim community. To understand this verse it is thus necessary to explain the existential situation of the Muslims at this time in Arabia.

Before 5:51 was revealed, the Prophet of Islam and the Muslims had only recently migrated as a community from Makka to Medina, some 400 kilometers to the north. They had done so, according to Islamic histories, due to the persecution to which they were subjected at the hands of their fellow tribesmen and relatives in Makka. Most Makkans worshipped many idols as "gods" and feared the rising interest in the message of Muḥammad within the city, even though he was himself a son of Makka. The Makkans feared the growing presence of the Muslims amongst them because the Muslims claimed that there was only one true God, who had no physical image, and who required of men virtue, generosity, and fair and kind treatment of the weaker members of society. This simple message, in fact, threatened to overturn the order of Makkan society, based as it was upon the worship of multiple gods and the privilege of the strong and the wealthy. It also threatened to disrupt the economic benefits of this privilege, the annual pilgrimage season, when peoples from all over Arabia would come to worship their many idols/gods at the Ka'ba—a cubical structure which the Qur'ān claims was originally built by Abraham and his son Ishmael as a temple to the one God, before the decadence of religion in Arabia.[10] The message of Islam threatened to replace the social and economic system of Makkan polytheism with the worship of the one God, Who—as in the stories of the Old Testament—would not allow that others be worshiped alongside Him. In this difficult

[10] Qur'ān 2:125–129.

environment the Prophet of Islam preached peacefully the message of monotheism and virtue, but he and his small band of followers were eventually driven from the city by torture, embargo, threats of assassination, and various other forms of humiliation and abuse. The Muslims then migrated to Medina where the Prophet had been invited to come and live in safety with his followers and where the main Arab tribes of the city had willingly accepted his message and authority.

According to one of the earliest and most famous Qur'ānic commentators, al-Ṭabarī (225-310 A.H. / 839-923 C.E.), it was not long after this migration to Medina that verse 5:51 was revealed. Specifically, al-Ṭabarī tells us that this verse came down around the time of the battle of Badr (2 A.H. / 623 C.E.) or perhaps after the battle of Uhud (3 A.H. / 625 C.E.).[11] In these early days the Muslim community constituted no more than a few hundred people and had already left the city of Makka; yet the Makkans continued to attempt to confront them militarily, and these two early battles, as well as others, were crucial events in the history of the early Islamic community. Militarily, the Makkans were a far more powerful force than the Muslims and they had allies throughout Arabia. Given the small numbers of the Muslims, the Prophet and his fledgling community faced the real possibility of utter annihilation should they lose any of these early conflicts. Al-Ṭabarī tells us that within this highly charged environment some members of the Muslim community wanted to make individual alliances with other non-Muslim tribes in the region. Within Medina there were Jewish tribes who constituted a powerful presence in the town and who were on good terms with the Makkans, and to the north of the city there were also Christian Arab tribes. Some Muslims saw the possibility of making alliances with one or more of these groups as a way of guaranteeing their own survival should the Makkan armies ultimately triumph. This was the stark reality of Arabia at that time; it was only through the protection of one's tribe or alliances with other tribes or clans that one's individual security was insured.

From the perspective of Islam, however, the Prophet realized that a young community, faced with great peril, could not allow such "dissension" in the ranks of the faithful as would be created by various individuals

[11] Al-Ṭabarī, *Jāmiʿ al-bayān ʿan taʿwīl āy al-Qur'ān* (Beirut: Dār al-Fikr, 1995), vol. 4, pp. 372–373.

making bonds of loyalty with other groups not committed to the Islamic message. Indeed, from the Islamic point of view such actions, had they been allowed, would have been a kind of communal suicide that would have seriously undermined Muslim unity, broken the morale of the community (*umma*), and perhaps caused the many individuals making such alliances to lack fortitude in the face of danger.

Bearing these historical issues in mind, it becomes obvious that the translation of *awliyā'* as "friends" is incorrect. It should be rendered, in accord with another of its traditional Arabic meanings, as "protectors" or "guardians" in the strict military sense of these terms. The verse should be read as, "Do not take Christians and Jews as your protectors. They are protectors to one another [...]". This is the true message of the verse, and the appropriateness of this understanding is supported by the fact that the Qur'ān does not oppose simple kindness between peoples, as is clear from verse 60:8, to which we shall now turn.

"TO DEAL KINDLY AND JUSTLY"

Verse 60:8 says, *God does not forbid that you should deal kindly and justly with those who do not fight you for the sake of* [*your*] *religion or drive you out of your homes. Truly, God loves those who are just.* Al-Ṭabarī tells us that this verse was revealed on the occasion of an incident involving the half-sister of one of the Prophet's wives.[12] According to him, Asmā' bint Abī Bakr, who was a Muslim living in Medina, received some gifts from her mother, Qutaylah, who lived in Makka. Qutaylah had refused to convert to Islam and continued to practice the idolatrous ways of the Makkans. Asmā' said, upon receiving the gifts, that she would not accept them, given that they came from one who had rejected the message of Islam and indeed one who had chosen to live among the arch-enemies of the Muslims; but then the above Qur'ānic verse was revealed to the Prophet, indicating that there was no need to be ungracious towards the one who gave these gifts, even though she had rejected the message of the Prophet and was living with the enemies of Islam.

Al-Ṭabarī goes even further in his analysis of the verse by criticising those Muslims who say that 60:8 was later abrogated by another Qur'ānic

[12] Ibid., vol. 14, pp. 83–84.

verse which says, *Slay the idolaters wheresoever you find them* (Qur'ān 9:5).[13] Al-Ṭabarī says that the most proper interpretation of verse 60:8 is that God commanded kindness and justice to be shown "amongst all of the kinds of communities and creeds" and did not specify by His words some communities to the exclusion of others. Al-Ṭabarī says that here God speaks in general of any group that does not openly fight against the Muslims or drive them out of their homes, and that the opinion that this kindness was abrogated by later Qur'ānic statements makes no sense.[14] This understanding may seem to be in contradiction with our previous statement that the Makkans were indeed at war with the Muslims; however, Qutaylah, being a woman, could not technically be considered a "combatant" according to Islamic law. Indeed, this shows the essential distinction between combatants and non-combatants in the rules of Muslim warfare. This distinction, as we see from the example of Qutaylah, is to be upheld even in the context of engagement with an actively hostile enemy, as were the Makkans. Therefore, Islam does not oppose friendship and kindness between peoples who are not at war with one another and, even in the case of war, clear distinctions are to be made between "those who fight" and "those who do not fight". We shall examine this principle further in the next section.

"SLAY THEM WHERESOEVER YOU FIND THEM"

Another verse that is related to *jihād*, and also deals with the subject of those against whom *jihād* is to be waged, is 2:190-191. According to many accounts, this verse represents the first command given by God to the Muslims to carry out military *jihād*,[15] but this command had specific limitations placed upon it, as we shall see. The Qur'ānic text reads as follows:

> *Fight in the way of God against those who fight you, but transgress not the limits. Truly, God does not love the transgressors* [*of limits*].
>
> *And slay them wheresoever you find them, and turn them out from where they have turned you out.*

[13] We will look more closely at verse 9:5 when we examine the *fatwā* of the World Islamic Front later in this essay.

[14] Al-Ṭabarī, vol. 14, p. 84.

[15] Ibid., vol. 2, p. 258. It should be noted that there is another group of verses, 22:39–40 which is also considered to have been the first verses to speak about the military *jihād*. We shall have occasion to speak about this later in the essay.

Al-Ṭabarī tells us that this verse is not to be read as a *carte blanche* to attack any and all non-Muslim peoples; rather, he says, the verse was revealed specifically in relation to fighting the idolaters of Makka, who are referred to in Arabic sources by the technical term *mushrikūn* or *mushrikīn* (sing. *mushrik*).[16] This term comes from a three-letter Arabic root "sh-r-k" which means "to associate" or "take a partner unto something", and the word *mushrikūn* literally means "those who take a partner unto God", that is to say, "polytheists" or "idolaters". It should be noted that from the point of view of Islamic law, this injunction to perform *jihād* against the polytheists does not pertain to either Jews or Christians. Neither Jews nor Christians are ever referred to within the Qur'ān by the terms *mushrik* or *mushrikūn*. They have, in fact, a very different status according to the Qur'ān, which often refers to the two groups together by the technical term *ahl al-kitāb* or "People of the Book", meaning people who have been given a scripture by God other than the Muslims. We shall discuss the status of Jews and Christians later, but what is important to recognize here is that this call to *jihād* was revealed in relation to a specific group of people, the idolaters of Makka, and within a specific context, a context of persecution and the driving of Muslims from their homes in Makka because of their religion. Indeed, this understanding is accepted not only by al-Ṭabarī but, he says, it is the view of most Qur'ānic interpreters.[17]

In addition to this context for the first military *jihād*, there were also limits placed upon the early Muslims who carried out *jihād* against the *mushrikūn*. Verse 2:190 speaks of "fight[ing] in the way of God" but also of not transgressing the "limits". What are these limits? Al-Ṭabarī gives many accounts detailing the limits placed upon the *mujāhidūn*. He says, for instance, that the cousin of the Prophet of Islam, Ibn 'Abbās, commented upon verse 2:190 as follows: "Do not kill women, or children, or the old, or the one who greets you with peace, or [the one who] restrains his hand [from hurting you], and if you do this then you have transgressed".[18] Another tradition related by al-Ṭabarī comes from the Umayyad Caliph 'Umar ibn 'Abd al-'Azīz or 'Umar II (99/717-101/720

[16] Ibid., vol. 2, p. 258.
[17] Ibid., vol. 2, p. 258.
[18] Ibid., vol. 2, p. 259.

C.E.), who explained the meaning of 2:191 as: "[. . .] do not fight he who does not fight you, that is to say women, children, and monks".[19]

These statements quoted by al-Ṭabarī are very much in keeping with other commands given specifically by the Prophet and the Rightly-guided Caliphs (Abū Bakr, 'Umar, 'Uthmān and 'Alī) to the Muslim armies involved in *jihād*. These commands are noted in the various *ḥadīth* collections, i.e., records of the sayings of the Prophet and his companions, which along with the Qur'ān form the basis for determining the Islamic nature of any act. Some examples of these *ḥadīth* are:

> Nāfi' reported that the Prophet of God (God bless him and grant him peace) found women killed in some battles, and he condemned such an act and prohibited the killing of women and children.[20]
>
> When Abū Bakr al-Ṣiddīq [the trusted friend of the Prophet and first of the Rightly-guided Caliphs] sent an army to Syria, he went on foot with Yazīd ibn Abū Sufyān who was the commander of a quarter of the forces .... [Abū Bakr said to him:] "I instruct you in ten matters: Do not kill women, children, the old, or the infirm; do not cut down fruit-bearing trees; do not destroy any town; do not cut the gums of sheep or camels except for the purpose of eating; do not burn date-trees nor submerge them; do not steal from booty and do not be cowardly". [21]
>
> [The Umayyad Caliph] 'Umar ibn 'Abd al-'Azīz wrote to one of his administrators: We have learnt that whenever the Prophet of God (God bless him and grant him peace) sent out a force, he used to command them, "Fight, taking the name of the Lord. You are fighting in the cause of the Lord with people who have disbelieved and rejected the Lord. Do not commit theft; do not break vows; do not cut ears and noses; do not kill women and children. Communicate this to your armies". [22]

[19] In addition, al-Ṭabarī, reports a second narration of these words of 'Umar ibn 'Abd al-'Azīz with only slight changes in phrasing, Ibid., vol. 2, p. 259.

[20] See Mālik ibn Anas, *Muwaṭṭa'*, trans. M. Rahimuddin (New Delhi: Tāj, 1985), p. 200 (*Kitāb al-jihād*, *ḥadīth* n. 957). See also Bukhārī, *Ṣaḥīḥ*, vol. 4, pp. 159–160 (*Kitāb al-jihād*, *ḥadīth* n. 257-258), Abū Dāwūd, *Sunan Abī Dāwūd* (Beirut, Dār al-Kutub al 'Ilmiyya, 1996), vol. 2, p. 258 (*Kitāb al-jihād*, *ḥadīth* n. 2668), and Muslim, *Ṣaḥīḥ*, vol. 5, p. 56 (*Kitāb al-jihād*).

[21] Mālik, *Muwaṭṭa'*, p. 200 (*Kitāb al-jihād*, *ḥadīth* n. 958). Other similar instructions are also given to the Muslim armies prohibiting the killing of children and the mutilating of bodies, see Muslim, *Ṣaḥīḥ*, vol. 5, pp. 46–50 (*Kitāb al-jihād*).

[22] Mālik, *Muwaṭṭa'*, p. 201 (*Kitāb al-jihād*, *ḥadīth* n. 959). A similar version of this *ḥadīth* in the *Sunan* of Abū Dāwūd mentions not killing the elderly, in addition to the categories of women and children, see Abū Dāwūd, *Sunan*, vol. 2, p. 243 (*Kitāb al-jihād*, *ḥadīth* n. 2614).

> Once when Rabāḥ ibn Rabīʿaḥ went forth with the Messenger of Allāh, he and [the] companions of the Prophet passed by a woman who had been slain. The Messenger halted and said: "She is not one who would have fought". Thereupon, he looked at the men and said to one of them: "Run after Khālid Ibn al-Walīd[23] [and tell him] that he must not slay children, serfs, or women".[24]

Such statements are common throughout the *ḥadīth* collections and leave little doubt as to the limits set upon the military *jihād*, regardless of the enemy that is faced.

"PERFORM *JIHĀD* AGAINST THE *KĀFIRŪN*"

As we noted earlier, the Qur'ān does not speak of Jews or Christians as *mushrikūn* or polytheists. Therefore, none of the verses of the Qur'ān that pertain to fighting the *mushrikūn* pertain to them. However, it must be admitted that the Qur'ān does, within a limited context, speak of Jews and Christians as *Kāfirūn*, a term often translated into English as "unbelievers", although its literal meaning is, "Those who cover over [the truth]" in some form or another. Unfortunately, the common translation of this term as "unbelievers" gives it nuances of meaning from Western cultural history that do not necessarily apply to the original Arabic, such as the fact that "unbelief" in English is synonymous with "atheism". In Arabic, however, *kufr* or "covering" does not necessarily refer to lack of faith but to a lack of correct thinking on one or more aspects of faith. In fact Muslims can also be *Kāfirūn*. For instance, according to the traditional commentaries, verse 9:49, *There are some who say, 'Give me leave to stay behind and do not tempt me'. Surely they have fallen into temptation already and hell encompasses the unbelievers* (*Kāfirūn*), refers to those Muslims who refused to respond to the Prophet's call to go on an expedition to Tabūk.[25]

[23] Khālid ibn al-Walīd (d. 22 A.H. / 642 C.E.) was a companion of the Prophet and one of the famous early commanders of Muslim forces.

[24] Quoted from *Bidāyat al-mujtahid wa nihāyat al-muqtaṣid* of Ibn Rushd, translated by Rudolph Peters in *Jihād in Mediaeval and Modern Islam* (Leiden: E. J. Brill, 1977), p. 17. For a similar version of this *ḥadīth* see Abū Dāwūd, *Sunan*, vol. 2, p. 258 (*Kitāb al-jihād*, *ḥadīth* n. 2669).

[25] See *Sīrāṭ Rasūl Allāh* of Ibn Isḥāq, trans. by A. Guillaume in *The Life of Muḥammad* (Oxford: Oxford University Press, 1978), pp. 602–603.

The important question that could be asked, however, is: Does not the Qur'ān speak about fighting against the *Kāfirūn*, such as in the verse: *O Messenger, perform jihād against the unbelievers (Kāfirūn) and the hypocrites* (*munafiqūn*) (Qur'ān 9:73)? Does this verse not imply an essential militancy between Muslims on the one hand, and Jews and Christians on the other? In answering these questions we must refer to both Qur'ānic pronouncements and to the historical actions of the early Muslims in *jihād*. We will deal with the issues of the Qur'ān first and then turn, in the next section, to what the Muslims actually did in *jihād*.

When we look at the comments of al-Ṭabarī regarding verse 9:73, as well as those of Ibn Kathīr (d. 774 A.H. / 1372 C.E.), perhaps the most famous of Sunnī Qur'ān commentators, both seem to condone the idea that this verse relates to violent or military *jihād*. Both make a distinction, however, between the two types of *jihād* mentioned in verse 9:73: *jihād* against the *Kāfirūn*, and *jihād* against the *munafiqūn*. Each states that the *jihād* against the *munafiqūn* or hypocrites—i.e., those Muslims who knowingly disobey the commands of God—is "*bi'l-lisān*," meaning "with the tongue". That is to say, one should reprimand the Muslim hypocrites with critical speech, not with physical violence. Whereas, in regard to the *Kāfirūn*, both commentators make reference to the idea that the *jihād* against them is "*bi'l-Ṣayf*", or "by the sword".[26] This may seem to suggest that violent suppression of Jews and Christians is demanded, since we have already mentioned that both Jews and Christians—though never called *mushrikūn*—are sometimes referred to as *Kāfirūn*. But before drawing this conclusion we must look more closely at how the Qur'ān defines the *Kāfirūn*. Here it is useful to refer to a series of Qur'ānic verses referring to the "People of the Book", such as 98:1, 98:6, 5:78, and 2:105.

Verse 98:1 reads: *Those who disbelieved (kafarū) among (min) the People of the Book and the polytheists (mushrikūn) would not have left off erring until the clear truth came to them*. This verse clearly indicates that "to disbelieve" is not a characteristic belonging to all Jews and Christians or People of the Book. Instead, it declares that disbelief is a characteristic of some "among" the People of the Book. This limiting of the declaration of

[26] Al-Ṭabarī, *Jāmi' al-bayān*, vol. 6, pp. 233–234; and Ibn Kathīr, *Tafsīr al-Qur'ān al-'aẓīm* (Riyādh: Dār al-Salām, 1998), vol. 2, pp. 488–489.

unbelief is established by the Arabic preposition *min* within the quotation, which serves to distinguish a distinct species within a genus, namely, those unbelievers present within the larger believing Jewish and Christian communities. This delimitation is also to be seen in verse 98:6 which says, *Those who disbelieved (kafarū) among the People of the Book are in Hellfire.* Verses 5:78 and 2:105 are yet further examples of this qualifying and limiting of *kufr* or "unbelief" in regard to the People of the Book. They state, respectively:

> *Those who disbelieved (kafarū)* ***among*** *the Tribe of Israel were cursed by the tongue of David and Jesus, son of Mary.* [emphasis added]
>
> *Neither those who disbelieved (kafarū)* ***among*** *the People of the Book, nor the polytheists (mushrikūn), love that anything good should be sent down to you from your Lord.* [emphasis added]

We see in these verses that the Qur'ānic perspective, as regards the followers of faiths "other than Islam", is a subtle one, not simply a blanket condemnation of all non-Muslims. It is important to recall here the words of verses 113-115 of chapter 3 of the Qur'ān, which say:

> *Not all of them are alike. Of the People of the Book are a group that stand (in prayer), rehearse the signs of God throughout the night and prostrate.*
>
> *They believe in God and the Last Day; they enjoin what is right and forbid what is wrong, and they hasten in (all) good works. These are among the righteous. Of the good that they do, nothing will be rejected of them, and God knows the God-fearing ones.*

Keeping these Qur'ānic distinctions in mind, the injunction to fight the *Kāfirūn* "by the sword" does not then apply to all Jews and Christians, but only to some "among" them. But this raises the question, who, among the Jews and Christians, are the Muslims to fight? To answer this question we must now turn to the historical facts of the *jihād* of the first Muslims.

THE *JIHĀD* OF THE FIRST MUSLIMS

It is perhaps best to begin our discussion of historical *jihād* by recalling that the first *jihād* in Islam was not martial and had nothing to do with violence. The first *jihād* is referred to in the Qur'ān in verse 25:52, which states, *Do not obey the unbelievers (Kāfirūn), but strive against them (jāhidhum) with*

it, a great striving. This somewhat enigmatic verse, traditionally understood to have been revealed at Makka, i.e., before any divine decree had been given as regards performance of military *jihād* (which came only later in the Medinan period), speaks of striving against the unbelievers by way of "it". Both al-Ṭabarī and Ibn Kathīr relate traditions from Ibn ʿAbbās and from Ibn Zayd ibn Hārith, the son of the Prophet's adopted son, telling us that this "it"—the means by which to carry out *jihād*—is the Qur'ān itself.[27] In other words, the earliest command to *jihād* was a kind of preaching of the Qur'ān to the Makkans, or perhaps a taking solace or refuge in the Divine Word from the persecutions that the Muslims were experiencing at that time in Makka. It was not military in nature. This brings up our first point regarding the historical form of military *jihād* and what may be its most misrepresented feature: the notion that the religion of Islam was spread through military force, that Jews, Christians, and other peoples of the Middle East, Asia, and Africa were forced to convert to Islam on pain of death.

"THERE IS NO COMPULSION IN RELIGION"

It has been a common view in the West, even to this day, to say that the religion of Islam spread through conquest. Although this Orientalist theory is now being shown to be a fallacy by modern scholarship,[28] it is important to mention that the peaceful spread of Islam throughout most of the Middle East,[29] Asia, and Africa was in fact due to principles flowing from

[27] Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 11, p. 30; Ibn Kathīr, *Tafsīr*, vol. 3, p. 429.

[28] See for example R. Bulliet, *The Patricians of Nishapur* (Cambridge: Harvard University Press, 1972) and *Islam: The View from the Edge* (New York: Columbia University Press, 1994) where he speaks about the case of the conversion of the Persian plateau. Bulliet has carried out demographic studies showing that for three centuries following the Muslim's political conquest of the region the land of Iran remained a majority Zoroastrian population, in direct contradiction to any notions of forced conversion.

[29] It was only the polytheistic Arab tribes in the Arabian Peninsula who were compelled to enter Islam. Those Arab tribes who were already People of the Book were not forced to accept the religion. Numerous examples of this can be found in the histories, particularly in regard to the Christian Arabs. See the accounts of the Arabs of Najrān (al-Ṭabarī, *Taʿrīkh al-rusul waʿl-mulūk*, Ed. M. J. de Goeje [Leiden: E. J. Brill, 1964], vol. 1, pp. 1987-1988 and p. 2162), the Banū Namir, Banū Iyād, and Banū Taghlib (al-Ṭabarī, *Taʿrīkh*, I, p. 2482 and pp. 2509-2510), the Banū Ghassān (Balādhurī's *Futūḥ al-buldān*, trans., P. Hitti as *The Origins of the Islamic* State [New York: AMS Press], vol. 1, p. 209), the Banū Ṣāliḥ ibn Ḥulwān (Balādhurī, *Origins*, vol. 1, p. 223), the Banū Ṭayyiʿ and the Arabs of the settlement of Ḥadir Ḥalab (Balādhurī, *Origins*, vol. 1, p. 224), and the Arabs of Baʿlabakk (Balādhurī, *Origins*, vol. 1, p. 198).

the Qur'ānic revelation itself. Here and in the next section we will discuss some of these principles, beginning with the injunction found in verse 2: 256 which says, *There is no compulsion in religion*. Our commentators tell us that this verse was revealed during one of three possible situations.

The first possible context for the revelation of 2:256 has to do with a practice that was fairly common among the women of Medina before Islam came to the city. Our commentators tell us that if a woman did not have any living sons, she would sometimes make a promise that if she gave birth to a child and the child lived, she would raise the child in the faith of one of the Jewish tribes of the city.[30] Apparently this practice was somewhat popular; we know this from the events following another of the early military engagements of Islamic history: the siege of the fortress of the Medinan Jewish tribe of Naḍīr (4 A.H. / 625 C.E.). The reason for the siege, according to Islamic sources, was that the Banū Naḍīr had broken an alliance that they had concluded with the Prophet[31] by secretly planning to assassinate him. As a result of this treason, the Muslims besieged the Banū Naḍīr for some ten days in their fortress just south of Medina. At the end of this siege the Banū Naḍīr accepted a punishment of exile from the region of Medina and the tribe left with their wealth packed on their camels, some heading north to the town of Khaybar, others going on further to Syria. Some of the Medinan Muslims protested the punishment of exile, saying to the Prophet: "Our sons and brothers are among them!"[32] Indeed, some of the children of the Medinans had been raised within the Jewish faith and were living with their adopted clan. In response to the dissatisfaction of the Medinan Muslims the words of the Qur'ān were revealed: *There is no compulsion in religion, for truth has been made clear from error*, meaning essentially that these "sons and brothers" had made their choice to stay loyal to a treacherous group against the Prophet, as well as against their own Muslim relatives, and were party to a plan to murder God's messenger. In this way, the words of verse 2:256, although harsh from a certain point of view, also reveal an essential principle within the Muslim faith: no one can be compelled to accept a

[30] Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 3, p. 21; Ibn Kathīr, *Tafsīr*, vol. 1, p. 417.

[31] We shall speak of this alliance known as the Constitution of Medina later in this essay.

[32] Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 3, p. 22. See also Wāḥidī, *Asbāb al-nuzūl* (Beirut: ʿĀlam al-Kutub, 1970), p. 58 and Abū Dāwūd, *Sunan*, vol. 2, pp. 262–263 (*Kitāb al-jihād*, *ḥadīth* n. 2682).

religion, be it Islam or any other faith. This particular narration of the context of 2:256 is highly significant for delineating the attitude of Muslims on this issue, occurring as it does during the *jihād* of the siege of the Banū Naḍīr and rejecting, within that context, any compulsion in religion.

Another variant on this same story speaks of the people of Medina desiring to compel those of their "sons and brothers" affiliated with another Jewish tribe in the city, the Banū Qurayẓah, into accepting Islam. This version (whose number of narrations in the sources is much fewer than that of the Banū Naḍīr narrations) makes no mention of there being any hostilities at that time between the Muslims and the Jews, but only recounts the desire of the Medinan Muslims to force their Jewish relatives into Islam. In these narrations the Prophet responds to their desire to compel their family members with the words of 2:256,[33] again affirming the absolute necessity of freedom in choosing one's faith. This principle is also brought out in relation to a third possible context for the revelation of verse 2:256. This is said to be the conversion to Christianity of the sons of Abū'l-Ḥuṣayn a companion of the Prophet. The story is told that the two sons of Abū'l-Ḥuṣayn were converted in Medina by Christian merchants visiting the city from Syria. They then returned to Syria with the merchants.[34] Upon hearing of what his sons had done, Abū'l-Ḥuṣayn went to the Prophet and asked for permission to pursue them and bring them back. The Prophet then recited to him, "There is no compulsion in religion [...]." After Abū'l-Ḥuṣayn heard the words of the revelation, the narration concludes, "So he let them go their way".[35]

[33] See al-Ṭabarī, *Jāmi'al-bayān*, vol. 3, p. 23.

[34] Al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 220; Ibn Kathīr, *Tafsīr*, vol. 1, p. 417; Wāḥidī, *Asbāb al-nuzūl*, pp. 58–59.

[35] It should also be noted that in the case of one version of this story (see al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 22 and Wāḥidī, *Asbāb al-nuzūl*, pp. 58–59), the Prophet, after pronouncing the Qur'ānic verse, then says, "God banish them! They are the first ones to disbelieve". This statement requires some explanation and needs to be understood in the context of the time. It can be said from the Islamic point of view that the actions of Abū'l-Ḥuṣayn's sons represent a grave error, because they were rejecting a prophet within his own lifetime, a prophet whom they knew personally. The actions of Abū'l-Ḥuṣayn's sons represent a denial of the immediate presence of the truth, and this is very different than, for instance, someone choosing not to accept the message of Islam today; one who never had the chance to actually see the Prophet, who was the living embodiment of submission to God. Like the words of Christ, "He who has seen me has seen the truth", the Prophet said, "He who has seen me has seen his Lord", thereby placing great responsibility on the shoulders of those who were privileged to encounter him. The strident words of the Prophet about the sons of Abū'l-Ḥuṣayn need to be understood in this context.

Regardless of the version of the story that we examine, the message is always the same—to choose one's own religion is a free choice whether in time of peace or war. Ibn Kathīr's commentary upon 2:256 also reflects this fact when he says:

> God, the Exalted, said, "There is no compulsion in religion," that is to say, you do not compel anyone to enter the religion of Islam. Truly it is made clear [and] evident. It [Islam] is not in need such that one compel anyone to enter it. Rather, the one whom God guides to Islam and expands his breast and illuminates his vision, he enters into it by way of clear proof. It is of no use to enter the religion as one compelled by force.[36]

Although these words are hardly ambiguous, we should also note that there have been those in the Islamic tradition who have tried to say that this Qur'ānic verse was later abrogated, but this is not the opinion of either of our commentators. Both al-Ṭabarī and Ibn Kathīr note that 2:256 has never been abrogated by any other verse(s) of the Qur'ān and that although 2:256 descended in regard to a particular case (*khaṣṣ*), i.e., in regard to either the Jews of Medina or the Christians from Syria, nevertheless, its application is general (*'amm*).[37] This is to say, the verse applies to all People of the Book, who should be free from being compelled to accept Islam.[38]

[36] Ibn Kathīr, *Tafsīr*, vol. 1, p. 416.

[37] Al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 25; Ibn Kathīr, *Tafsīr*, vol. 1, p. 417.

[38] Moreover this injunction is reflected elsewhere in the Qur'ān, such as in the verse, *For each we have given a law and a way, and had God willed He could have made you one people, but that He might put you to the test in what He has given you [He has made you as you are]. So vie with one another in good works. To God will you all be brought back, and He will inform you about that wherein you differed.* (Qur'ān 5:48). The universality and indeed acceptance of other "ways" and "laws" evident in this verse is to be seen even more directly in verse 2:62: "Those who say 'We are Jews' and 'We are Christians' and 'We are Sabians', all who believe in God and the Last Day and do good works, they have their reward with their Lord and neither shall they fear nor grieve." The word "Sabians" may be a reference to the remnants of a group of followers of St. John the Baptist, but in any case the message of this verse is very far from the fallacious notion that Islam denies the truth of other faiths. Indeed, the Qur'ān demands that Jews and Christians judge according to what God has given them in the Torah and the Gospel. This is evident in the Qur'ānic statement, *Truly, We revealed the Torah. In it is a guidance and light. By it the prophets who submitted [to God] judged the Jews [...] with what they were entrusted of the Book of God, and they were witnesses to it. Therefore, fear not men, but fear Me. Sell not My signs for little gain. Whoever does not judge by that which God has revealed, those are the unbelievers. We ordained therein [within the Torah]: a life for a life, an eye for an eye, nose for a nose, an ear for an ear, a tooth for a tooth, and wounds for retaliation. But if any one remits it then it is a penance for him, and whosoever does not judge by that which God has revealed, they are wrongdoers* (Qur'ān

"HAD GOD NOT REPELLED SOME MEN BY MEANS OF OTHERS [...]"

A related issue which goes beyond the simple idea of not forcing anyone into Islam is the fact that one of the essential and expressed elements of the earliest military *jihād* was the protection of the rights of worship of the People of the Book, i.e., not simply avoiding using force to bring them into Islam, but actively using force to preserve and defend their houses of worship. This characteristic of the military *jihād* is mentioned in verses 22:39-40 and, as we shall see, it is confirmed by many historical examples.

We noted earlier that verses 2:190-191 are sometimes claimed to be the first verses revealed relating to military *jihād*. This claim is also made for verses 22:39-40.[39] It is, of course, impossible to determine on the basis of the narrations given in the sources which group of verses is truly the first to speak of military *jihād*, but the Islamic tradition in general has simply accepted ambiguity on this issue. Verses 22:39-40 say:

> *Permission is given to those who are fought because they have been wronged. Surely, God is able to give them victory,*
>
> *Those who have been expelled from their homes unjustly only because they said: "Our Lord is God." And if it were not that God repelled some people by means of others, then monasteries, churches, synagogues, and mosques, wherein the Name of God is mentioned much would surely have been pulled down. Verily, God will help those who help Him. Truly, God is powerful and mighty.*

Our commentators tell us that these verses were revealed just as the Prophet and his companions were leaving Makka and migrating to Medina.[40] Both al-Ṭabarī and Ibn Kathīr relay the words of Abū Bakr al-Ṣiddīq upon hearing the new revelation. He is reported to have said, "I knew [when I heard it] that it would be fighting (*qitāl*) [between the Muslims and the Makkans]".[41] It is also interesting to note that al-Ṭabarī relates traditions

5:44–45). In relation to the followers of the Gospel, the Qur'ān says, *We sent him [Jesus] the Gospel. Therein is a guidance and a light [...]. Let the People of the Gospel judge by that which God has revealed therein. Whosoever does not judge by that which God has revealed, those are the corrupt.* (Qur'ān 5: 46–47). Therefore, not only are the People of the Torah and of the Gospel not to be compelled to accept Islam, but they must, according to the Qur'ān, be free to make their own decisions based upon what their scriptures reveal to them. Moreover, for them not to do so is displeasing to God.

39 Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 10, p. 227–228; Ibn Kathīr, *Tafsīr*, vol. 3, p. 303.

40 Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 10, p. 226; Ibn Kathīr, *Tafsīr*, vol. 3, p. 302.

41 Al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 10, p. 227; Ibn Kathīr, *Tafsīr*, vol. 3, p. 303.

that state that the meaning of the phrase "if it were not that God repelled some people by means of others" is "if it were not for fighting and *jihād*" and "if it were not for fighting and *jihād* in the way of God".[42] Furthermore, Ibn Kathīr relates that many famous early figures of Islam "such as Ibn 'Abbās, Mujāḥid, 'Urwah ibn al-Zubayr, Zayd ibn Aslam, Muqātil ibn Ḥayyān, Qatādah and others" also said that "this is the first verse revealed concerning *jihād*".[43] These commentaries are particularly important because all of them refer to the fact that *jihād* is to be understood, in its earliest sense, as a means by which "monasteries, churches, synagogues, and mosques" are to be preserved and protected.[44] The call to *jihād* then was not for the destruction of faiths other than Islam; rather, one of its essential aspects was the preservation of places of worship belonging to the monotheistic faiths and protecting them against those polytheists—in this case the idolaters of Makka—who might endanger them.

SOME APPLICATIONS OF QUR'ĀNIC PRINCIPLES TO THE MILITARY *JIHĀD*

When we turn to the many examples of the early military *jihād* found in the sources, we see that the Muslim armies were actually quite consistent in their application of the Qur'ānic doctrines mentioned in 22:39-40 and 2:256. Although the historical record does not speak definitively about the issue of whether or not these endeavours were strictly defensive—for as with all such undertakings, they involved both elements of true religious fervour and righteousness, as well as issues of the *realpolitik* of the time—what can be said rather definitively is that the Muslim forces, in carrying out the early *jihād*, did act in accordance with the limits established by the

[42] Al-Ṭabarī *Jāmi' al-bayān*, vol. 10, p. 229.

[43] Ibn Kathīr, *Tafsīr*, vol. 3, p. 303.

[44] Maḥmūd Shaltūt (d. 1963), the former Shaykh al-Azhar, arguably the most important exoteric authority in the Islamic world, commented upon these verses in his book *al-Qur'ān wa'l-qitāl* (*The Qur'an and Fighting*, trans. Peters [in *Jihād*, p. 43]) as follows: "These verses are, as we have said, the first verses of fighting. They are clear and do not contain even the slightest evidence of religious compulsion. On the contrary, they confirm that the practice that the people ward off each other is one of God's principles in creation, inevitable for the preservation of order and for the continuation of righteousness and civilization. Were it not for this principle, the earth would have been ruined and all different places of worship would have been destroyed. This would have happened if powerful tyrants would have held sway over religions, free to abuse them without restraint and to force people to conversion, without anyone to interfere. These verses are not only concerned with Muslims, but have clearly a general impact [...]."

Qur'ān and *ḥadīth*. We know this from the examination of the accounts presented in the various Islamic histories, such as al-Ṭabarī's universal history, *Taʾrīkh al-rusūl waʾl-mulūk*, as well as other important historical works that specialize in the events of the early *jihād*, such as Balādhurī's (d. 279 A.H. / 892 C.E.) *Futūḥ al-buldān* or "Openings of the Nations". In these accounts, there is clear evidence of the importance Muslims attached to the idea of "no compulsion in religion", as well as to the preservation of the places of worship of the People of the Book. Balādhurī, for instance, recounts a text written by the Prophet to the Christian community of Najrān in southern Arabia guaranteeing them certain social and religious rights under Islamic rule. The text reads:

> Najrān and their followers are entitled to the protection of Allāh and to the security of Muḥammad the Prophet, the Messenger of Allāh, which security shall involve their persons, religion, lands, and possessions, including those of them who are absent as well as those who are present, their camels, messengers, and images [*amthila*, a reference to crosses and icons]. The state they previously held shall not be changed, nor shall any of their religious services or images be changed. No attempt shall be made to turn a bishop, a monk from his office as a monk, nor the sexton of a church from his office.[45]

Both al-Ṭabarī and Balādhurī make many references to similar treaties concluded between Muslim commanders during the early *jihād* effort and the various populations that fell under Islamic political control. Indeed, such examples are to be found on every major front of the Islamic conquests from Persia to Egypt and all areas in between. Within the region of Syria, we have the example of the companion of the Prophet and commander of Muslim forces Abū ʿUbaydah ibn al-Jarrāḥ, who concluded an agreement with the Christian population of Aleppo granting them safety for "their lives, their possessions, city wall, churches, homes, and the fort". Abū ʿUbaydah is said to have concluded similar treaties at Antioch,[46] Maʿarrat Maṣrīn,[47] Ḥimṣ,[48] Qinnasrīn,[49] and Baʿlabakk.[50] Balādhurī

[45] Balādhurī, *Origins*, vol. 1, p. 100.
[46] Ibid., vol. 1, p. 227.
[47] Ibid., vol. 1, p. 229.
[48] Ibid., vol. 1, p. 187.
[49] Ibid., vol. 1, p. 223.
[50] Ibid., vol. 1, pp. 198–199.

reports that after the surrender of Damascus, Khālid ibn al-Walīd wrote for the inhabitants of the city a document stating:

> In the Name of Allāh, the compassionate, the merciful. This is what Khālid would grant to the inhabitants of Damascus, if he enters therein: he promises to give them security for their lives, property, and churches. Their city shall not be demolished; neither shall any Moslem be quartered in their houses. Thereunto we give to them the pact of Allāh and the protection of his Prophet, the caliphs and the "Believers". So long as they pay the poll-tax,[51] nothing but good shall befall them.[52]

In addition to these accounts, al-Ṭabarī records the "Covenant of 'Umar", a document apparently addressed to the people of the city of Jerusalem, which was conquered in the year 15 A.H. / 636 C.E. The document states:

> This is the assurance of safety (*aman*) which the servant of God 'Umar, the Commander of the Faithful, has granted to the people of Jerusalem. He has given them an assurance of safety for themselves, for their property, their churches, their crosses, the sick and the healthy of the city, and for all the rituals that belong to their religion. Their churches will not be inhabited [by Muslims] and will not be destroyed. Neither they, nor the land on which they stand, nor their crosses, nor their property will be damaged. They will not be forcibly converted [...] The people of Jerusalem must pay the poll tax like the people of [other] cities, and they must expel the Byzantines and the robbers [...].[53]

[51] The poll-tax or *jizya* was required to be paid by the People of the Book to the Islamic state according to verse 9:29 of the Qur'ān and certain *ḥadīth*. This tax, unlike feudal taxation in Europe, did not constitute an economic hardship for non-Muslims living under Muslim rule. The tax was seen as the legitimate right of the Islamic state, given that all peoples—Muslim and non-Muslim—benefited from the military protection of the state, the freedom of the roads, and trade, etc. Although the *jizya* was paid by non-Muslims, Muslims were also taxed through the *zakāt*, a required religious tax not levied on other communities.

[52] Balādhurī, *Origins*, vol. 1, p. 187.

[53] Al-Ṭabarī, *The History of al-Ṭabarī, v. XII: The Battle of al-Qādisiyya and the Conquest of Syria and Palestine*, trans. Y. Friedmann (Albany: SUNY Press, 1985), p. 191. The use of the word "Byzantines" here should not be conflated with "Christians". "Byzantines" refers to those people who were the administrators of Byzantine authority in the lands that were now conquered by the Muslims. The very fact that the word "Byzantines" is used, and not "Christians" is significant. This shows that it was not "Christianity" but rather the political and military opposition of Byzantium that was at issue. It was because of this opposition that the Byzantines needed to be expelled. Byzantine administrators and officials, like the "robbers" also mentioned in the quotation, were a possible source of social unrest and political chaos. Just as there cannot be two kings ruling a single kingdom, the Muslims needed to remove any vestiges of Byzantine political authority in the lands they now controlled. This

These conditions, respecting Christian practices and places of worship, were also given to other towns throughout Palestine, according to al-Ṭabarī.[54] In regard to the Armenian front, we have references to treaties made with Jewish and Christian as well as Zoroastrian inhabitants of the region. It is noteworthy that both al-Ṭabarī and Ibn Kathīr in their Qur'ān commentaries mention Zoroastrians (*al-majūs*) within the classification of "People of the Book"[55]—Zoroastrianism being the other major faith, besides Judaism and Christianity, that was encountered by the Muslim armies as they spread out of Arabia and which, like Judaism and Christianity, possessed a sacred text. Balādhurī mentions the treaty concluded by the Companion of the Prophet, Ḥabīb ibn Maslamah al-Fihrī (d. 42 A.H. / 662 C.E.), with the people of the town of Dabīl which states:

> In the name of Allāh, the compassionate, the merciful. This is a treaty of Ḥabīb ibn Maslamah with the Christians, Magians [i.e., Zoroastrians], and Jews of Dabīl, including those present and absent. I have granted for you safety for your lives, possessions, churches, places of worship, and city wall. Thus ye are safe and we are bound to fulfill our covenant, so long as ye fulfill yours and pay the poll-tax [...].[56]

In addition to this, al-Ṭabarī mentions treaties that the Muslims made with the Armenians of al-Bāb and Mūqān in the Caucasus Mountains guaranteeing "their possessions, their persons, [and] their religion".[57]

When we turn to the region of Persia, Balādhurī mentions two agreements, one with the people of Rayy,[58] and the other with the people of Ādhārbayjān.[59] The texts of each of these agreements guarantees the safety of the lives of the inhabitants, as well as offering a promise not to "raze any of their fire temples", a reference to Zoroastrian *ātashkādas*. In al-Ṭabarī's

did not mean the removal of the vestiges of "Christianity" from those lands, for the quotation itself also mentions preserving the rights of Christians to practice their faith and maintain their churches, crosses, etc., under the new Islamic government.

[54] Ibid., pp. 191–192. Al-Ṭabarī indicates that similar letters were written to "all the provinces" around Jerusalem as well as to the "people of Lydda and all the people of Palestine".

[55] Al-Ṭabarī, *Jāmi'al-bayān*, vol. 3, pp. 24–25; Ibn Kathīr, *Tafsīr*, vol. 2, pp. 457–458. This position has been generally agreed upon by most of the early scholars of Islamic law; see for instance the comments of Ibn Rushd in his *Bidāyat al-mujtahid*, in Peters, *Jihād*, p. 24.

[56] Balādhurī, *Origins*, vol. 1, p. 314.

[57] Al-Ṭabarī, *The History of al-Ṭabarī, v. XIV: The Conquest of Iran*, trans. G. Rex Smith (Albany: SUNY Press, 1994), pp. 36–38.

[58] Balādhurī, *Origins*, vol. 2, p. 4.

[59] Ibid., p. 20.

history as well, treaties are recounted involving the town of Qūmis,[60] the peoples of Dihistān in the province of Jurjān,[61] and the people of Ādhārbayjān,[62] each treaty granting "safety [...] for their religion". Finally, in Egypt we can point to the example of 'Amr ibn al-'Āṣ, a companion of the Prophet and the commander of Muslim forces on the Egyptian front. He concluded a treaty with the Bishop of Alexandria on the orders of the Caliph 'Umar, guaranteeing the safety of the city and agreeing to return certain Christian captives taken by the Muslims after an initial skirmish. According to al-Ṭabarī, 'Umar's instructions to 'Amr were as follows:

> [...] propose to the ruler of Alexandria that he give you the *jizya* in the understanding that those of their people who were taken prisoner and who are still in your care be offered the choice between Islam and the religion of their own people. Should any one of them opt for Islam, then he belongs to the Muslims, with the same privileges and obligations as they. And he who opts for the religion of his own people has to pay the same *jizya* as will be imposed on his co-religionists.[63]

'Amr also concluded an agreement with Abū Maryam, the Metropolitan of Miṣr. Al-Ṭabarī quotes 'Amr's words in an apparent face to face meeting with the Metropolitan:

> We call upon you to embrace Islam. He who is willing to do so will be like one of us. To him who refuses, we suggest that he pay the *jizya* and we will give him ample protection. Our Prophet [...] has determined that we keep you from harm [...]. If you accept our proposition, we will give you constant protection.[64]

Al-Ṭabarī then quotes the actual text of the treaty agreed to between them as follows:

> In the name of God, the merciful, the compassionate.
>
> This is the text of the covenant that 'Amr b. al-'Āṣ has granted the people of Miṣr concerning immunity for themselves, their religion, their possessions, churches, crucifixes, as well as their land and their waterways [...].

[60] Al-Ṭabarī, *The History of al-Ṭabarī, v. XIV: The Conquest of Iran*, p. 28.
[61] Ibid., p. 29.
[62] Ibid., p. 33.
[63] Al-Ṭabarī, *The History of al-Ṭabarī, v. XIII: The Conquest of Iraq, Southwestern Persia, and Egypt*, trans. G. H. A. Juynboll (Albany: SUNY Press, 1985), pp. 164–165.
[64] Ibid., pp. 167–168.

> It is incumbent upon the people of Miṣr, if they agree on the terms of this covenant and when the rise of the Nile water comes to a halt to afford the *jizya* [...]. He who chooses [not to agree to these terms but] to depart will enjoy immunity, until he has reached his destination where he can be safe, or has moved out of the territory where our authority prevails.[65]

With these treaties in mind we can now return to a question which we raised earlier: Who, in the opinion of the early Muslims, were the People of the Book that had to be fought? In short, given this picture of the history, the answer to this question is that those who were to be fought among the People of the Book were only those who refused to submit to Islamic political authority, i.e., who refused to pay the poll-tax (*jizya*). The Muslims made no hair-splitting theological determinations regarding the issue of "true belief", as some might think is implied in certain Qur'ānic verses that we quoted earlier. All People of the Book were simply treated as "believers" within their respective religious communities, regardless of whether they followed, for instance, in the case of Christianity, a Monophysite, Arian, Jacobite, Nestorian, or Catholic rite. There was no litmus test of faith which the Muslims applied to determine true belief on the part of the people who came under their political control, other than the self-declarations of those people themselves to be Jews, Christians, or Zoroastrians, and their willingness to pay the *jizya*.[66] The earliest *mujāhidūn*, the Prophet, his companions, and their immediate successors, essentially placed all People of the Book under the general category of "faith". This fact played itself out not only in terms of treaties concluded between Muslims and non-Muslims, which as we have seen demonstrate no theological scrutiny of non-Muslim communities, but also in terms of the very composition of the "Muslim" forces involved in the *jihād*, to which we will now turn.

THE COMPOSITION OF THE FORCES OF *JIHĀD*

In relation to the practice of the military *jihād* we can see that Islam's universal perspective on faith also had an important effect on the make-up

[65] Ibid., pp. 170–171.

[66] The issue as to whether the Muslims may accept the *jizya* from the *mushrikūn* or polytheists, thereby granting them protected (*dhimmī*) status under the Islamic state, like the status of the People of the Book, has been debated by scholars of Islamic law. For various opinions on this issue see Ibn Rushd, *Bidāyat al-mujtahid*, in Peters, *Jihād*, pp. 24–25.

of the "Muslim" armies. Here we can point to the fact that military *jihād* was not seen as the exclusive prerogative of Muslims. This is particularly true during the formative years of the Islamic conquests, i.e., from the first command to military *jihād* in Medina through the early Umayyad period. Again, this is made clear in various treaties that the Muslims concluded with both the Jewish and Christian populations of the Near East at this time. Perhaps the most famous of these treaties is the Constitution of Medina, which was composed during the lifetime of the Prophet himself and which speaks of the Jews and Muslims fighting together as one *umma* or community.

THE CONSTITUTION OF MEDINA

The Constitution of Medina, recorded in Ibn Isḥāq's (d. 151 A.H. / 768 C.E.) *Sīrāṭ Rasūl Allāh* (*The Biography of the Messenger of God*), the most important historical account of the life of the Prophet, indicates that *jihād* was for any community willing to fight alongside the Muslims (with the exceptions of polytheists). Ibn Isḥāq prefaces his account of the Constitution by saying:

> The Messenger of God (God bless and preserve him) wrote a writing between the Emigrants and the *Anṣār*,[67] in which he made a treaty and covenant with the Jews, confirmed their religion and possessions, and gave them certain rights and duties.[68]

The text of the treaty then follows:

> In the name of God, the Merciful, the Compassionate! This is a writing of Muḥammad the prophet between the believers and Muslims of Quraysh and Yathrib[69] and those who follow them and are attached to them *and*

[67] These terms may need some explanation. The people of the city of Makka were almost all members of an Arabic tribe known as Quraysh, and the Prophet and the vast majority of his early followers in Makka were also members of this tribe. When the Prophet left Makka for the city of Medina, an event known as the *hijra* or migration, those members of his community who journeyed with him were given the title of *muhājirūn* or "Emigrants". As for the term *anṣār*, it refers to those people of Medina who accepted the Islamic message and invited the Prophet and the Emigrants to the city, giving them refuge from their situation of persecution in Makka. For this reason these residents of Medina were given the title of *anṣār* or "Helpers", due to the fact that they gave safe haven to the Prophet and the Emigrants.

[68] W. M. Watt, *Muḥammad at Medina* (Oxford: Clarendon Press, 1956), p. 221.

[69] The term "Yathrib" actually refers to the city of Medina. Before the time of Islam, Medina was called "Yathrib". The name "Medina" came to be used later as a result of the fact that the city was eventually renamed "Madīnat al-Nabī" (The City of the Prophet). Today the city is simply referred to by the first part of this title, Medina, or "The City".

> *who crusade* (*jāhada*) *along with them*. They are a single community distinct from other people [...]. Whosoever of the Jews follows us has the (same) help and support [...], so long as they are not wronged [by him] and he does not help [others] against them.[70] [emphasis added]

Here we see that the participation in "military *jihād*", translated above as "crusade", is open to those "attached" to the Prophet and the Muslims, and that together they constitute a "single community" (*umma wāḥida*) in the face of all others. It is interesting to note that the claim that animosity has always existed between Muslims and Jews does not accord with this very early document dealing with military cooperation and mutual protection between the two communities.[71] Indeed the treaty seems not only to form a basis for an important military alliance between the Muslim and Jewish communities, but it also anticipates orderly and peaceful interactions on a general social level. Thus the Constitution goes on to say:

> The Jews bear expenses along with the believers so long as they continue at war. The Jews of Banū ʿAwf are a community (*umma*) along with the believers. To the Jews their religion (*dīn*) and to the Muslims their religion. [This applies] both to their clients and to themselves, with the exception of anyone who has done wrong or acted treacherously; he brings evil only on himself and on his household. For the Jews of Banū ´n-Najjār the like of what is for the Jews of the Banū ʿAwf. For the Jews of Banū´l-Ḥarīth the like [...]. For the Jews of Banū Saʿīdah the like [...]. For the Jews of Banū Jusham the like [...]. For the Jews of Banū´l-Aws the like [...]. For

[70] Watt, *Muḥammad*, p. 221.

[71] It may be asked if this pact of mutual protection does not contradict the point made earlier concerning verse 5:51. We stated that 5:51 essentially tells the Muslims not to take Jews (or Christians) as their "protectors" in a military sense, and yet the Constitution seems to be doing just that by stating that between Muslims and Jews is "help against whoever wars against the people of this document." Is this not then taking Jews as "protectors"? In answer to this question it needs to be said that the specific context of 5:51 is that of individual Muslims taking alliances with those outside the *umma* in order to save their own individual lives and thereby endangering the unity and internal strength of the Muslims. It does not refer to a context in which the Muslims, as an *umma*, agree to a treaty for the benefit and safety of the *umma* as a whole. This issue points out the necessity of clearly understanding the *asbāb al-nuzūl* of Qur'ānic passages. Without such understanding a mistake could be made such that all agreements of help or assistance between Muslims and non-Muslims would be seen as compromising Islam; but this is simply not the context of 5:51. Indeed if it were, it would compromise practically the entire early history of the *jihād* effort which is filled with agreements of protection and assistance, as we see with the Constitution and as we shall see in other parts of this essay.

> the Jews of Banū Tha'labah the like of what is for the Jews of Banū 'Awf [...].[72]

Another portion of the document two communities speaks even more directly to the social attitudes that should form the basis of interactions between the:

> Between them [Muslims and Jews] there is help against whoever wars against the people of this document. Between them is sincere friendship and honorable dealing, not treachery. A man is not guilty of treachery through [the act of] his confederate. There is help for the person wronged.[73]

What this document shows is that early in the life of the Islamic community, there was the anticipation of normal and "friendly" relations between the Jews and Muslims and indeed, help between them in terms of war. These ideas are also supported by the authenticity generally accorded to the Constitution by modern scholarship. In terms of this authenticity, both the language and the content of the document suggest that it is an early piece of work, i.e., pre-Umayyad.[74] This is due to the fact that later falsifiers, writing during the time of the Umayyads or the 'Abbāsids, would not likely have included non-Muslims as members of the *umma* (a term later reserved for the Muslim community exclusively), nor retained the other articles of the document (from which we did not quote) that speak against the Quraysh,[75] nor made such prevalent and constant use of the term *mu'minūn* (believers) rather than *muslimūn* to refer to the

[72] Watt, *Muḥammad*, p. 222.

[73] Ibid., p. 224.

[74] The Umayyad Dynasty ruled the Islamic world immediately following the end of the "Rightly-guided caliphate" (40 A.H. / 661 C.E.) until they were overthrown by the 'Abbāsids in 132 A.H. / 750 C.E., who established their own dynasty, which ruled over all Muslim lands (in a nominal way from the 4th c. A.H. / 10th c. C.E. onward) until the Mongol conquest of their capital at Baghdad in the 7th c. A.H. / 13th c. C.E., at which time the last 'Abbāsids caliph was killed.

[75] Such comments criticizing the tribe of Quraysh would have been construed by the Umayyads (see note 67) as a critique of their legitimacy, given that the Umayyad's drew their legitimacy from their status as descendents of one of the prominent clans of Quraysh. The importance that they placed upon this Qurayshi lineage was as a result of the fact that, within the tribe of Quraysh, they were not descendents of the immediate clan of the Prophet, i.e., the clan of Hāshim, but of another clan within Quraysh, the clan of 'Abd Shams. Thus, it was not through their immediate clan but through their more distant Qurayshi heritage that they could claim a relation to the Prophetic substance of Muḥammad.

followers of the Prophet and his message.[76] Both Julius Wellhausen and Leone Caetani placed the writing of the document sometime before the battle of Badr. Hubert Grimme argued for a date just after Badr, and W. Montgomery Watt, a date following siege of the Banū Qurayẓah (5 A.Ḥ / 627 C.E.).[77] In any case, it is clear that we are dealing here with a document whose early date of composition is claimed both from within and from without the tradition, suggesting a high degree of reliability that it does indeed express early Islamic attitudes toward the openness of the institution of military *jihād*.

CHRISTIANS IN *JIHĀD*

Another important point regarding the armies of *jihād* is that traditional Islamic histories give accounts of Christians taking part in some of the early battles alongside the Muslim armies. This is discussed by Fred Donner in his book *The Early Islamic Conquests*. He notes that, according to Muslim historical sources, in the very early period of *jihād*, Christian Arabs from tribes such as the Banū Ṭayyi' of Najd, the Banū al-Namir ibn Qāsiṭ of the upper Euphrates river valley, and the Banū Lakhm participated in the *jihād* with the Muslim armies.[78] Other allusions to this kind of activity can be found in al-Ṭabarī's *Ta'rīkh* where he notes, for instance, a treaty signed during the reign of the caliph 'Umar by Surāqah ibn 'Amr in 22 A.H. / 642 C.E. Surāqah was a commander of Muslim forces in Armenia, which was predominantly Christian. The treaty discusses the poll-tax which the Christian population is to pay to the Islamic government, unless they are willing to supply soldiers to the *jihād* effort, in which case the poll-tax would be cancelled.[79] In addition to this account,

[76] Although the Qur'ān discusses both *mu'minūn* and *muslimūn* in referring to those who followed the message of Muḥammad, most early theological and sectarian documents refer to members of the Islamic community as *mu'minūn* or "believers", rather than *muslimūn* specifically. For example, the early sectarian writings of the Khārijites and Murji'ites always discussed issues of membership in the Islamic community in terms of "believers" and non-believers, not in terms of Muslims and non-Muslims.

[77] Watt, *Muḥammad*, pp. 225–227.

[78] Fred M. Donner, *The Early Islamic Conquests* (Princeton: Princeton University Press, 1981), p. 200.

[79] Al-Ṭabarī, *The History of al-Ṭabarī, v. XIV*, p. 36. The text of the treaty is:

In the name of God, the Compassionate, the Merciful. This is the safe-conduct Surāqah b. 'Amr, governor of the Commander of the Faithful, 'Umar b. al-Khaṭṭāb, has granted to Shahrbarāz, the inhabitants of Armenia, and the Armenians [in al-Bāb]. [He grants] them safe-conduct for their

Balādhurī notes many other agreements in the *Futūḥ al-buldān* concluded by Muslim commanders with the Christian populations of various regions. Such is the case of the Jarājimah, a Christian people from the town of Jurjāmah.[80] This town had been under the control of the patrician and governor of Antioch but surrendered to the Muslim armies, commanded by Ḥabīb ibn Maslamah al-Fihrī, when they attacked the town. Balādhurī recounts the terms of the peace between Ḥabīb and the Jarājimah as follows:

> Terms were made providing that al-Jarājimah would act as helpers to the Moslems, and as spies and frontier garrison in Mount al-Lukam. On the other hand it was stipulated that they pay no tax, and that they keep for themselves the booty they take from the enemy in case they fight with the Moslems.[81]

Here *jihād* is an endeavor open to the Christian Jarājimah. Another treaty concluded with them during the reign of the Umayyad Caliph al-Walīd ibn ʿAbd al-Malik (86-96 A.H./705-715 C.E.), states:

> Al-Jarājimah may settle wherever they wish in Syria [...]; neither they nor any of their children or women should be compelled to leave Christianity; they may put on Moslem dress; and no poll-tax may be assessed on them, their children, or women. On the other hand, they should take part in the Moslem campaigns and be allowed to keep for themselves the booty from those whom they kill [...] ; and the same amount taken from the possessions of the Moslems should be taken [as tax] from their articles of trade and the possessions of the wealthy among them.[82]

These agreements, along with the many others that we have noted in the previous sections, in addition to revealing something of the martial applications of Islam's universal perspective on faith, also demonstrate

persons, their possessions, and their religion lest they be harmed and so that nothing be taken from them. [The following is imposed] upon the people of Armenia and al-Abwāb, those coming from distant parts and those who are local and those around them who have joined them: that they should participate in any military expedition, and carry out any task, actual or potential, that the governor considers to be for the good, providing that those who agree to this are exempt from tribute but [perform] military service. Military service shall be instead of their paying tribute. But those of them who are not needed for military service and who remain inactive have similar tribute obligations to the people of Azerbaijan [in general] [...]. If they perform military service, they are exempt from [all] this.

[80] Jurjūmah was located in the border region between modern-day Syria and Turkey.

[81] Balādhurī, *Origins*, vol. 1, p. 246.

[82] Ibid., p. 249.

that historically *jihād* was directed against those who stood in opposition to the political authority of the Islamic state. It was not directed against a people simply because they professed a faith other than Islam. The point of the *jihād* was not to establish a world populated only by Muslims; it was to create a social order in which the freedom to practice the worship of God was guaranteed, for Muslims as well as for the People of the Book. Although military *jihād* had as its goal the establishment of this Islamic authority, there were also certain essential and religiously unavoidable limitations placed upon the means to achieving this goal. These limitations were defined by the injunctions of the Qur'ān and the *ḥadīth* and manifested, as well as clarified, by the conduct of the earliest *mujāhidūn*, the Prophet, and his companions. These teachings and examples have served as an indispensable guide to Muslims throughout their 1400-year history, not only in terms of *jihād* but in relation to all matters of faith. When we look at the attempts of certain contemporary figures to revive the military *jihād*, their words and actions must always be judged by way of the limits and examples mentioned in the early tradition. This is the only way to determine the essential "Islamicity" of their claims and to know if their actions constitute some form of reprehensible (*makrūh*) or forbidden (*ḥarām*) innovation (*bid'a*) upon the tradition.[83] Muslims have always been cautioned to exercise the utmost care when introducing new interpretations or practices, as a famous *ḥadīth* of the Prophet states: "Beware of newly invented matters, for every invented matter is an innovation, every innovation is a going astray, and every going astray is in Hell-fire".[84]

SOME CONTEMPORARY FUNDAMENTALIST INTERPRETATIONS OF *JIHĀD*

To begin our analysis it is perhaps best to start with the form of the *jihād* envisaged by the modern fundamentalists; that is to say, is the form of

[83] For a full explanation of the traditional Islamic teachings on innovation (*bid'a*) see T. J. Winter's "The Poverty of Fanaticism" in Joseph E. B. Lumbard (Ed.,) *Islam, Fundamentalism, and the Betrayal of Tradition.* (World Wisdom Books, 2004)

[84] Al-Nawawī, *An-Nawawī's Forty Ḥadith*, trans. by E. Ibrahim and D. Johnson Davies (Malaysia: Polygraphic Press Sdn. Bhd., 1982), p. 94 (*ḥadīth* 28). This *ḥadīth* is also to be found in the *Sunan* of Abū Dāwūd and the *Jāmi'* of Tirmidhī. Other *ḥadīth* related by al-Nawawì concerning the issue of innovation are: "He who establishes something in this matter of ours that is not from it, it is rejected (*radd*)!" and "The one who acts [in a way that is] not in agreement with our matter, it is rejected!"

this *jihād* consistent with the established principles of the Islamic faith or not? It has been claimed that the *jihād* which Muslims must now wage involves "killing Americans and their allies—civilian and military". Any such declaration would immediately place the endeavor outside the bounds of true *jihād* whose limits, as we noted earlier, would clearly exclude, for instance, attacks upon women and children. In fact, the categories of "civilian" and "military" often used by these extremists are somewhat alien to the Islamic tradition which always speaks on this issue of warfare in terms of "those who fight against the Muslims" and "those who do not", the tradition being unanimous in defining "those who do not" as women and children, with other categories often times included such as monks and the elderly. Therefore, the declarations making "lawful" the indiscriminate killing of civilians unequivocally transgress the limits of warfare defined in the traditional sources. Indeed, some claim that now is the time for a new *fiqh* or jurisprudence in Islam that would leave behind such traditional constraints.[85] Some have even attempted to cast their arguments in the guise of religion by calling their declarations of *jihād* "*fatwās*"[86] and by quoting liberally from the Qur'ān. Of course, the determination of the "Islamicity" of any *fatwā* must be in relation to its content, and yet if we analyse the Qur'ānic verses chosen by extremists to justify their own exegesis reveals that, far from being representatives of traditional Islam and the "pious forefathers" (*salaf*) of the Muslim community, their perspective is actually what we might call the "other side of the coin" of modernism, due to

[85] We should not have the impression that modern fundamentalists represent the first time that the traditional Islamic limits of warfare have been disregarded. The Khārijite movement, whose roots go back to a religio-political dispute in the first Islamic century, represent one of the most famous examples of just such transgression. The Khārijites were perfectly willing to attack "civilians", although their dispute was essentially with other members of the Muslim community rather than with non-Muslims. They declared a sentence of "excommunication" (*barā'a*) upon anyone who did not accept their perspective on Islam. According to the Khārijites, such excommunicated people—men, women, and children—were afforded no protection under the laws of religion for their lives or property. Therefore, the Khārijites considered it perfectly legal to kill such persons. It is important to mention that throughout the early history of Islam the Khārijite position was condemned and even physically opposed by every major Muslim group, Sunnī and Shī'ite.

[86] The choice of this word is a calculated political maneuver to co-opt the authority of the 1400-year Islamic legal tradition. Within the science of Islamic jurisprudence (*fiqh*), a *fatwā* refers to a religious opinion issued by a scholar of law (*sharī'a*). Most fundamentalists have had no formal training in the study of Islamic law.

its near total disregard for the established contexts of the verses they quote.[87]

One verse often mentioned in this regard is verse 9:5: *But when the forbidden months are past, then fight and slay the polytheists* [*mushrikūn*] *wherever you find them, seize them, beleaguer them, and lie in wait for them in every stratagem* [*of war*]. It is interesting that this verse should be cited in the context of calls for Muslims to fight Jews and Christians, particularly since this verse has nothing to do with the issue of the People of the Book. As we mentioned earlier, the Qur'ān does not refer to Jews and Christians as *mushrikūn* but reserves this term for the idolatrous Arabs of Muḥammad's time. In the case of verse 9:5, however, we are not dealing with a reference to the idolaters of Makka specifically because, according to tradition, the ninth chapter of the Qur'ān was revealed after the conquest of Makka by the Muslims, that is to say, at a time when there were no longer any polytheists in the city as a result of conversion to Islam. The *mushrikūn* referred to in verse 9:5 are therefore the Arab polytheists/idolaters who remained in other parts of Arabia not yet under Muslim control. This being the case, the use of 9:5 would represent a misappropriation of this verse to an end other than the one intended from its established traditional context of fighting the "pagan" Arabs.

Other verses which have become popular proof texts for the *jihādist* position are 9:36 and 2:193. The verses are, respectively: *And fight the polytheists* [*mushrikūn*] *together as they fight you together*," and *Fight them* [i.e., the *mushrikūn*] *until there is no more oppression and religion is for God*. These verses have been cited as direct support for killing civilians, yet both these verses, as with verse 9:5, refer directly to fighting the *mushrikūn*, not Jews or Christians and certainly not civilians. Neither al-Ṭabarī nor Ibn Kathīr have much to say regarding 9:36, except to emphasize that the Muslims should act together or in unison during warfare against the polytheists. The injunction to "fight the polytheists together as they fight you together", which has sometimes been taken to mean that Muslims should respond in kind to the attacks of an enemy, cannot be

[87] For an examination of the relationship between modernism and fundamentalism, see Joseph E. B. Lumbard's "The Decline of Knowledge and the Rise of Ideology in the Modern Islamic World", in Joseph E. B. Lumbard (Ed.,) *Islam, Fundamentalism, and the Betrayal of Tradition.* (World Wisdom Books, 2004)

understood as an invitation to transgress the established Islamic rules of warfare. It is telling in this regard that al-Ṭabarī and Ibn Kathīr only refer in their comments on 9:36 to the verse's meaning in relation to the "unity" of the *umma*, and do not mention issues of responding in kind to offenses, which would seem to be a subject worthy of at least some comment, if indeed that was the verse's intended meaning.

In terms of verse 2:193, Ibn Kathīr sees it as part of a series of related verses beginning with 2:190. Like al-Ṭabarī, he mentions that these verses refer to the first military *jihād* against the *mushrikūn* of Makka, and he also emphasizes the fact that these verses are in no way an invitation to kill non-combatants, even those who live among the communities of the enemies of Islam. Like al-Ṭabarī, Ibn Kathīr in his comments quotes many narrations about the "transgressing of limits" in warfare, such as the words of the famous Qur'ān commentator and theologian Ḥasan al-Baṣrī (d. 728 C.E.), who said that the acts which transgress the limits of war are:

> [...] mutilation, [imposing] thirst, the killing of women, children, and the old—the ones who have no judgment for themselves, and no fighters are among them, [the killing of] monks and hermits, the burning of trees, and the killing animals for other than the welfare [of eating]".[88]

In addition to this, Ibn Kathīr mentions various sayings of the Prophet with meanings similar to the words of Ḥasan al-Baṣrī, such as:

> When he [the Prophet] dispatched his armies, he said, "Go in the name of God! Fight in the way of God [against] the ones who disbelieve in God! Do not act brutally![89] Do not exceed the proper bounds! Do not mutilate! Do not kill children or hermits!"[90]

As if such statements were not enough, from the Islamic point of view, to reject the indiscriminate violence endorsed by many fundamentalists, Ibn Kathīr also relays another *ḥadīth* in which the Prophet tells the story of a community of people who were weak and poor and were being fought by a stronger group who showed animosity and harshness towards them.

[88] Ibn Kathīr, *Tafsīr*, vol. 1, p. 308.

[89] The command here in Arabic, *lā ta' ta dū*, means "not to act brutally", but it can also mean "not to commit excess, outrage, unlawful action, or violate women".

[90] Ibn Kathīr, *Tafsīr*, vol. 1, pp. 308–309.

The Prophet says that the weaker group was eventually given help by God to overcome their enemies, but in their success, these weak ones became oppressors of those who had first tried to oppress them. He concludes with the words, "And God was displeased with them till the Day of Resurrection". The meaning of this prophetic story says Ibn Kathīr, is: "When they [the weak] possessed power over the strong, then they committed outrageous/unlawful/brutal acts against them [. . .] and God was displeased with them by reason of this brutality". Thus, Ibn Kathīr points out an important principle of warfare in Islam: acts of brutality committed against Muslims are not an excuse for Muslims to respond in kind. This idea, so clear in the traditional sources, stands in direct contrast to the positions of the fundamentalists, which through their use of Qur'ānic citations seeks to hide what ultimately can only be described as disobedience to these teachings of the Prophet.

Another Qur'ānic verse often quoted is 4:75: *And why should you not fight in the way of God and those who are weak—men, women, and children, whose cry has been: 'Our Lord, rescue us from this town, whose people are oppressors, and raise for us, from you, one who will help'*. This verse has been mentioned as justification for open warfare against the West and to inspire Muslims to fight America and her allies who threaten the Muslim lands in particular. According to our commentators, however, the reason for the revelation of 4:75 was the fact that even after the Prophet had made his migration to Medina, there were still some Muslims who remained in Makka although they could not practice their religion, and some Makkans who wished to be Muslims but would not convert out of fear of their fellow tribesmen.[91] In both cases these difficulties were due to the weakness of these people vis-à-vis the polytheistic members of their own clans who sought to oppress them with threats and even torture. Therefore, verse 4:75 was revealed to call the Muslims of Medina to a two-fold *jihād*:

(1) to free their brethren who were left behind in Makka from religious oppression, and

(2) to give those Makkans who desired to convert the ability to do so without fear of reprisals from the enemies of Islam. This clearly

[91] Al-Ṭabarī, *Jāmi' al-bayān*, vol. 4, p. 220; Ibn Kathīr, *Tafsīr*, vol. 1, p. 698.

established context is very different from the manner in which the verse is understood by extremists, for the least that can be said is that in the West, unlike many places in the "Islamic" world itself, Muslims are basically free to worship as they see fit, nor is there any attempt to stop men or women from converting to Islam. Clearly then, the use of 4:75 as a proof text for *jihād* against the West and America is at best disingenuous considering the traditional understanding of the circumstances surrounding its revelation.

In addition to these verses, some cite verses 3:139 and 4:89 in their call for each Muslim to kill Americans and plunder their wealth "in any place he finds them". Verse 3:139, which says, *Do not lose heart, and do not be sad. For you will gain mastery if you are believers*, like so many misplaced quotations, actually occurs in the context of the fight against the Makkan polytheists at the battle of Uhud, while 4:89 refers to the *munafiqūn* or "hypocrites" among the early Islamic community. The *munafiqūn*, as mentioned earlier, were those Muslims who disobeyed God's commands knowingly. Many of them converted to Islam only out of a sense of the advantage that could be gained from not openly opposing the Prophet while his power was waxing. Secretly they hoped for and worked toward victory for the polytheists. It is in regard to these traitors within the Muslim community that the verse speaks with such harshness, not in reference to those outside of the *umma*.

One last verse that is popular in modern *jihādist* literature is verse 9:38:

> *O you who believe, what is the matter with you that when you are asked to go forth in the way of God, you cling heavily to the Earth. Do you prefer the life of this world to the Hereafter?* [...] *Unless you go forth, He will punish you with a grievous torment and put others in your place.*

According to our commentators, this verse relates to the military expedition (*ghazwa*) led by the Prophet to Tabūk, a region in what is today northwestern Saudi Arabia. During this expedition the Muslims went out in search of Byzantine military in the region. It is said that the Muslims stayed, maneuvering in the field some ten days, but did not encounter any Byzantine forces. As regards the use of this verse, it has been quoted with the hope of encouraging Muslims today to "go forth" against America and

her allies, as the early *mujāhidūn* did against another world power, the Byzantines. The expedition to Tabūk, however, did not constitute some kind of special case in which the Islamic limits of warfare were neglected. Although the Muslims potentially would be facing a foe far more capable and powerful than any they had yet encountered, namely, the standing army of the Byzantine Empire which had only recently conquered much of Persia, this did not constitute an excuse for transgression. Despite the danger, at no time in the expedition did the Prophet ever give orders to his army to "transgress" or discard the limits set upon *jihād*. Therefore, any such use of this verse within the context of encouraging such transgression is inconsistent with the historical reality of the *ghazwa* to Tabūk. In fact, the expedition was an occasion for establishing treaties of protection very similar to those we have mentioned in previous sections of this essay, those concluded with the people of Ayla and the Christians of Dūma.[92]

In the case of each of these verses we have cited, extremists have tried to apply them in ways which entail clear innovations from their generally accepted meanings. Such "exegesis" not only goes against basic aspects of the science of Qur'ānic commentary, it also introduces innovation into the very practice of Islam itself, by making *jihād* into a path of unbounded bloodshed. In this manner, the "fundamentalists" violate the fundamental principles of warfare in Islam and betray the example of the Prophet, as well as that of the first Muslims engaged in *jihād*. In fact their teachings are a not-so-subtle perversion of the very Islam they claim to want to preserve. So systematic is their disregard of the facts of early Islamic history and the circumstances surrounding the revelations of the Qur'ān that one is left wondering what of Islam, other than a name, would they claim to save?

CONCLUSION

We have attempted to show in this paper that, properly understood, the traditional doctrine of *jihād* leaves no room for militant acts like those perpetrated against the United States on September 11th. Those who carried

[92] See Guillaume, *The Life of Muḥammad*, pp. 607–608.

out these crimes in the name of God and the Prophet, in fact, followed neither God nor the Prophet, but followed their own imaginings about "religion" without any serious understanding of the traditional sources of the Islamic faith. No textual justifications for their acts can be found in the Qur'ān, nor can one cite examples of such brutality and slaughter of innocents from the life of the Prophet or the military *jihād* of the early decades of Islam. The notion of a militant Islam cannot be supported by any educated reading of the source materials, be they the Qur'ān and its commentaries, the *ḥadīth* tradition, or the early Islamic historical works. On the contrary, what is clear when looking at these texts is the remarkable degree of acceptance and, indeed, respect that was shown to non-Muslims, Jews and Christians in particular, at a time—the early medieval period—when tolerance and acceptance of religious differences were hardly well known attitudes. Even in cases of warfare, the Muslim armies acted with remarkable dignity and principle, irrespective of the weakness or strength of their opposition. In short, the early Islamic community was characterized not by militancy, but primarily by moderation and restraint.

These traits were not in spite of the religion of Islam but because of it. This can be seen in the Qur'ān in Chapter 2, verse 143, where God says to the Muslims, *We have made you a middle people*, that is, a people who avoid extremes, and in another famous verse which says, "[...] *and He* [*God*] *has set the Balance* [*of all things*]. *Do not transgress the Balance*!" (Qur'ān 55: 7-8). Traditional Muslims saw all of life in terms of balance, from simple daily activities to fighting and *jihād*. Each activity had its limits and rules because God had set the balance for all things. It has primarily been certain modernized Muslims, whose influences are not the traditional teachings of the faith, but the attitudes and excesses of modernity (only cloaked with turbans and beards), who have transgressed all limits and disregarded the Balance that is true Islam.

6 Wanton Violence in Muslimdom: *Religious Imperative or Spiritual Deviation?*

H.A. HELLYER

DESPITE WHAT HAS unfolded in the aftermath of events such as 9/11 and 7/7, it should be clear from the outset that "violence" is not specifically a Muslim problem. On the contrary, as Muslim propagandists never cease to point out—*ad nauseum*—historically, non-Muslim perpetrators of wanton destruction leave Muslim terrorists in their proverbial dust.

This is, however, not the point.

Historically, it has seldom been the case with the erudite of the Muslim community that they would continually point the finger of blame at non-Muslims. The current mantras of "Islam is peace" and similar others have become trite in their repetition, and it is a curious departure from how previous Muslim communities faced their problems. Scholars of the past did not hesitate to engage in pointed self-criticism: that delicate censure that the Muslim tradition calls *muḥasaba*. That type of reflection has been unusually limited by a number of recent writers to cover deep spiritual woes and resulting traumas. Yet, *muḥasaba* is a tool by which all kinds of abnormal phenomena are examined, and expunged.

A recent article in a British publication denounced the existence of "moderate Islam" as a myth, asserting that although a majority of Muslims are non-violent, they are so only by treating the Qur'ān as a "pick-and-mix selection". The article's subsequent analysis revealed a "unique" methodology; picking and mixing not only from the Qur'ān but also from the whole corpus of fourteen centuries of Muslim scholarship in a decidedly selective fashion. It is ironic then that this is precisely the type of unqualified engagement radical "*Jihādists*" (sic) enjoin.

The Muslim and the non-Muslim need to engage in a bit of *muḥasaba* in this area, for this methodology is a type that ignores the measures in scholarship that generations of Muslim academic dons painstakingly took. Generations of academic sages have painstakingly taken the time to articulate the finer points of practise, theology and spirituality, in an unbroken chain of academic intellectual inheritance (the Muslim alternative to an ecclesiastical hierarchy or church), and it bears examining their way of thinking.

CLASSICAL THOUGHT: ISLAMIC INTELLECTUAL INHERITANCE ON THE DEVIATION OF MODERN RADICALS

Fortunately for us, the contemporary inheritors of that tradition disavow gratuitous violence, encouraging constructive social contribution, but with the classical scholastic authority back to the elemental Prophetic community that "*Jihādists*" and others lack. For a thousand years, this is how the classical tradition developed: in a spirit of scholarly inquiry, enjoying a plurality of opinions. In so doing, they were not unmoved by emotional or personal concerns, but they were not controlled by such traits; they were subordinate to the desire of honest scholastic scrutiny.

Shaykh Muhammad Afifi al-Akiti's legal opinion (*fatwā*) represents how a progeny of that classical tradition might engage with the current situation of Muslims. As a product of a thoroughly classical Muslim educational system, he does not limit himself to merely issuing an apologetic hymn, nor even a simple rebuttal of some of the poorly constructed "legal opinions" that instigated the publication of this work. Rather, it is a scholastic refutation of not just the conclusions (which are secondary in the framework of this tradition) but the very methodology of the "pick-and-mix" style of the unqualified and the uncertified. As the author notes:

> [This is a] *fitna* (civil unrest) reeling this mercied *umma* (community), day in and day out, which is partly caused by those who, wilfully or not, misunderstand the legal discussions of the chapter on warfare outside their proper contexts which have been used by them to justify their wrong actions.

In responding to this internal *fitna*, the author thus identifies the points of Islamic law that have been misread or misinterpreted, and clarifies

them with a pedagogic penetration that leaves little room for doubt for both the Muslim and the non-Muslim reader.

Without reluctance, the text elucidates the position of Islamic law on attacking non-combatants, and how any military engagement must take place through a lawfully recognised political authority—in other words, negating any kind of anarchy or vigilantism. This much is hardly a surprise to any student of classical Muslim jurisprudence, but the references are useful to understand the methodology employed reaching such a conclusion. Al-Akiti is not presenting his own "feeling", but, rather, reflecting and reporting the intellectual inheritance he possesses through his education. That form of Muslim education represents the refinement and evolution of a legal tradition more than a thousand years old.

However, perhaps one of the most useful parts of this portion of the verdict is its explanation of one of the most controversial issues in modern Muslim communities: the tactic of "martyrdom operations" in general and in Palestine in particular. For years, proponents of this method, regardless of the target, have employed the image of the "lone charger" as justification; al-Akiti, referring directly to the source books of Islamic law, through the matrix of a classical education, dispels any confusion. Despite the passions surrounding the issue (universally evident whenever Palestine is discussed amongst Muslims), al-Akiti approaches the issues without uncontrolled emotion or sentiment. He firmly distinguishes between the "lone charger", who may be placing himself in jeopardy but is ultimately killed by the enemy or circumstances, and the "suicide-bomber", who takes his own life. Al-Akiti removes any legitimacy from the latter in an unequivocal fashion.

In so doing, he does not limit himself to the theoretical situation of targeting nameless categories of civilians, but identifies, clearly, Israeli men, women and children. Off-duty soldiers are, as al-Akiti notes, considered as "non-combatants", and thus out of bounds for attack.

He poses a poignant question, "Why was this [type of operation] not done before 1994 [the first HAMAS bombing], and especially during the earlier wars, most of all during the *disasters*[1] of 1948 and 1967?"[2] Elsewhere

[1] Emphasis mine.

[2] This is a reference to the end of the first Arab-Israeli war (1948) that established the state of Israel and the war of 1967 that resulted in Israeli occupation of the West Bank, Gaza, the Golan Heights and Sinai.

he writes, "Yes, we are one *umma* [community] such that when one part of the macro-body is attacked somewhere, another part inevitably feels the pain".

The use of his language leaves no uncertainty regarding his obvious concern for the people of Palestine, but in matters of what he regards to be the domain of sacred law, he can only permit sacred motivations of accuracy and precision. There is no pretence of piety under the guise of "defending one's own"; there is only a firm engagement with the questions in the light of law, for this is a legal affair. Prior to its publication, no such writ of equivalent legal calibre could have been found in the English language, despite the urgency of addressing such a significant issue.

In his analysis of the relevant portions of classical jurisprudence in this area, al-Akiti does not limit himself to these discussions, but opens (and closes) related issues that are incredibly pertinent to contemporary Muslims: the use of bombs, commentary on the Qur'ānic verse (*ayat*) that refers to the killing of idolaters, collateral damage and the oft-cited different classifications of land in Muslim jurisprudence, *dār al-ḥarb* and *dār al-Islam*.

A COMMUNITY OF PURPOSE, OR A COMMUNITY OF SCHIZOPHRENIA: MUSLIMS IN THE "WEST"

This last treatment leads us into a discussion on an issue perhaps far more pertinent to the Muslims of the "West" than suicide-bombing; the issue of "integration". Muslims have long been demographic minorities in non-Muslim lands, but perhaps for the first time in history they are now viewed as the proverbial "fifth column"—a proverbial cancer in Western societies. Empirically, this seems difficult to justify, and there has been fine research from a number of authors on the connection between European societies and Islam/Muslims going back centuries.

But more damaging is the sentiment amongst some Muslims that they themselves do not really belong in the "West"; in other words, pockets of individuals in the Muslim community help foster this notion of estrangement and difference themselves. The impulse to regard oneself as separate, distinct and alienated from one's neighbours, seeking to ghettoise oneself: this is a reality for some and it is a divisive ideology of "us" against

"them" which contemporary Western societies cannot accept without challenge.

Identity too must be restored to its traditional and classical place, which modernity seems to have entirely misunderstood. In the wake of this bewilderment, many Muslims in the "West" have been left grappling with who they are and what they are.

Not content to satisfy the questioner only on the aspect of denouncing violence and rejecting other negative actions, al-Akiti takes on this concept of alienation, raised in the allegation he is responding to: the role and place for Muslims in the European Union. He notes:

> [...] they [Muslims] should as a practical matter remain in these countries (of the EU), and if applicable, learn to cure the schizophrenic cultural condition in which they may find themselves—whether of torn identity in their souls or of dissociation from the general society. If they cannot do so, but find instead that their surroundings are incompatible with the life they feel they must lead, then it is recommended for them to leave and reside in a Muslim state.

There is no theoretical waffling, or inconsistency in his breakdown of the matter: Muslims should remain in these countries, but without suffering from a jumbled psychological condition.

MODERN MUSLIMS: A FAILURE OF EDUCATION AND ETIQUETTE

In the final examination of this verdict, there is the inescapable conclusion that it was written by someone who is deeply soaked in the tradition of Muslim scholarship. It is also hard to ignore that this richness and depth is lacking in many of Muslimdom's *madrasas*. The point behind this verdict is not the verdict itself, but rather the fact it is intellectually sound and juridically unassailable.

Al-Akiti emerges as a product of classical Muslim education; in this sense, he is not unique. Rather, he is a modern day continuation of the accomplished system that historically protected Muslim jurisprudence from fragmentation and divisive intellectual anarchy. If he is rare, then part of the explanation is down to his own brilliance, but the more pertinent factor to take into account is the failure of modern Muslim educational

systems. That breakdown is what produces a popular Muslim discourse that does not have more like him.

One of the great thinkers of Islam in the twentieth century identified the failures of modern Muslim communities as one deficiency: a lack of *ādāb* (manners and etiquette). In classical Muslim communities, it was understood as a matter of course that there was a certain etiquette to be observed when one approached the ritual prayer, an etiquette to be observed with other human beings, and an etiquette to be observed when drawing near to the Divine Essence.

Etiquette cannot be sacrificed on the altar of "pragmatism" or "modernity"; our greatest victory is in upholding the highest standards of decency and integrity, for it was against those same standards that war is being waged. With forbearance, there remains an imperative duty; to renew and restore respect for the etiquette to be observed when approaching the classical tradition of this religion. Previous generations knew this, and, indeed, it is needed now more than ever. A full engagement with tradition through the appropriate etiquette focuses the intellect in a manner that al-Akiti epitomises, and reveals that the heritage of classical Islam may be more than adequate to the challenge of modernity. The contrary alternatives on the market at present invariably result in muddles and upheavals, the 7th of July being only one chaotic manifestation.

Defending the Transgressed *by Censuring the Reckless against the Killing of Civilians*

A *fatwā* by Shaykh Muhammad Afifi al-Akiti

7 Defending the Transgressed by Censuring the Reckless against the Killing of Civilians

INTRODUCTION*

SHAYKH GIBRIL F. HADDAD

In the Name of God, the All-Beneficent, the Most Merciful.

GENTLE READER, PEACE upon those who follow right guidance! I am honoured to present the following *fatwā* or "response by a qualified Muslim Scholar" against the killing of civilians by the Oxford-based Malaysian jurist of the Shāfi'ī School and my inestimable teacher, Shaykh Muhammad Afifi al-Akiti, titled *Defending the Transgressed by Censuring the Reckless against the Killing of Civilians.*

The Shaykh authored it in a few days, after I asked him to offer some guidance on the issue of targeting civilians and civilian centres by suicide bombing in response to a pseudo-*fatwā* by a deviant UK-based group which advocates such crimes.

Upon reading Shaykh Afifi's *fatwā* do not be surprised to find that you have probably never before seen such clarity of thought and expression together with breadth of knowledge of Islamic Law applied (by a non-native speaker) to define key Islamic concepts pertaining to the conduct of war and its jurisprudence, its arena and boundaries, suicide bombing, the reckless targeting of civilians and more.

May it bode the best start to true education on the impeccable position of Islam squarely against terrorism in anticipation of the day all its culprits are brought to justice.

* Editor's note: The following is the Introduction by Shaykh Gibril F. Haddad to the first published edition of this *fatwā* by Aqsa Press, United Kingdom and Warda Publications, Germany (September 2005). It is reproduced here unchanged. The text of the *fatwā* itself has been further revised stylistically, but the technical legal content remains exactly the same.

Dear Muslim reader, *as-Salāmu 'alaykum wa-raḥmatuLlāh*:
Read this luminous *Fatwā* by Shaykh Muhammad Afifi al-Akiti carefully and learn it. Distribute it, publicise it and teach it. Perhaps we will be counted among those who do something to redress wrong, not only with our hearts as we always do, but also with our tongues, in the fashion of the inspired teachers and preachers of truth.

I have tried to strike the keynote of this *Fatwā* in a few lines of free verse, mostly to express my thanks to our Teacher but also to seize the opportunity of such a long-expected response to remind myself of the reasons why I embraced Islam in the first place.

A *TAQRĪZ*—HUMBLE COMMENDATION

Praise to God Whose Law shines brighter than the sun!
Blessings and peace on him who leads to the abode of peace!
Truth restores honor to the Religion of goodness.
Patient endurance lifts the oppressed to the heights
While gnarling mayhem separates like with like:
The innocent victims on the one hand and, on the other,
Silver-tongued devils and wolves who try to pass for just!

My God, I thank You for a Teacher You inspired
With words of light to face down Dajjāl's advocates.
Allāh bless you, Ustādh Afifi, for ***Defending the Transgressed***
By Censuring the Reckless Against the Killing of Civilians!
Let the powers that be and every actor-speaker high and low
Heed this unique Fatwā of knowledge and responsibility.

Let every lover of truth proclaim, with pride once more,
What the war-mongers try to bury under lies and bombs:
Islam is peace and truth, the Rule of Law, justice and right!
Murderous suicide is never martyrdom but rather perversion,
Just as no flag on earth can ever justify oppression.
And may God save us from all criminals, East and West!

***

By permission of Shaykh Afifi I have done some very light editing having to do mostly with style spelling or punctuation such as standardising

spacing between paragraphs, providing in-text translations of a couple of Arabic supplications, adding quotation marks to mark out textual citations and so forth.

I also provided the following alphabetical glossary of Arabic terms not already glossed by the Shaykh directly in the text.

May Allāh *Subḥānahu wa-Ta ʿālā* save Shaykh Muhammad Afifi here and hereafter, may He reward him and his teachers for this blessed work and grant us its much-needed benefits, not least of which the redress of our actions and beliefs for safety here and hereafter.

Blessings and peace on the Prophet, his Family, and all his Companions, *wal-Ḥamdu liLlāhi Rabb al-ʿĀlamīn.*

Gibril F. Haddad
Day of Jumuʿa after Aṣr
1 Rajab al-Ḥaram 1426
5 August 2005
Brunei Darussalam

QUESTION

If you have time to address this delicate issue for the benefit of this mercied *Umma* which is reeling in *fitna* day in and day out, perhaps a few blessed words might use a refutation of the following text as a springboard?

I would like you to read the following article which highlights some of the problems we are facing, and [shows] why it is quite possible that young Muslims turn to extremism. The article was issued by "*al-Muhajiroun*" not long ago, headed by Omar Bakri Mohammed and whatever our reservations about the man, it is the content I am more concerned about, and it is possibly these types of writings which need to be confronted head-on.

Excerpt from an article by "al-Muhajiroun":

> AQD UL AMAAN: THE COVENANT OF SECURITY
> The Muslims living in the west are living under a covenant of security, it is not allowed for them to fight anyone with whom they have a covenant of security, abiding by the covenant of security is an important obligation upon all Muslims. However for those Muslims living abroad, they are not under any covenant with the *kuffār* in the west, so it is acceptable for them to attack the non-Muslims in the west whether in retaliation for constant bombing and murder taking place all over the Muslim world at the hands of the non-Muslims, or if it an offensive attack in order to release the Muslims from the captivity of the *kuffār*. For them, attacks such as the September 11th Hijackings is a viable option in *jihād*, even though for the Muslims living in America who are under covenant, it is not allowed to do operations similar to those done by the magnificent 19 on the 9/11. This article speaks about the covenant and what the scholars have said regarding Al Aqd Al Amaan—the covenant of security. [. . .]

Shaykh Muhammad Afifi al-Akiti's *Fatwā*

بسم الله الرحمن الرحيم
الحمد لله الذي يحُدُّ الحربَ ولا يُحب المعتدين والصلاة والسلام على قائد الأمة الذي هو أصبر على أذى الأعداء بقُوَّةٍ كاملة ومُرُوَّةٍ شاملة وعلى آله وأصحابه وجيشه أجمعين

[In the name of God, the Merciful and Compassionate. Praise be to God Who sets the boundaries of war and does not love transgressors! Blessings and peace on the General of the Community, the most patient of men in the face of the harm of enemies, with perfect chivalry and complete manliness, and upon all his Family, Companions, and Army!]

This is a collection of *masā'il*, entitled: *Mudāfi' al-Maẓlūm bi-Radd al-Muhāmil 'alā Qitāl Man Lā Yuqātil* [Defending the Transgressed by Censuring the Reckless against the Killing of Civilians], written in response to the *fitna* reeling this mercied *Umma*, day in and day out, which is partly caused by those who, willfully or not, misunderstand the legal discussions of the chapter on warfare outside its proper context (of which the technical *fiqh* terminology varies with *bāb*: *siyar*, *jihād*, or *qitāl*), which have been used by them to justify their wrong actions. May Allāh open our eyes to the true meaning [*ḥaqīqa*] of *ṣabr* and to the fact that only through it can we successfully endure the struggles we face in this *dunyā*, especially during our darkest hours; for indeed He is with those who patiently endure tribulations!

There is no *khilāf* that all the Shāfi'ī *fuqahā'* of today and other Sunni specialists in the Sacred Law from the Far East to the Middle East reject outright [*mardūd*] the above opinion and consider it not only an anomaly

[*shādhdh*] and very weak [*wāhin*] but also completely wrong [*bāṭil*] and a misguided innovation [*bid'a ḍalāla*]: the *'amal* cannot at all be adopted by any *mukallaf*. It is regrettable too that the above was written in a legal style at which any doctor of the Law should be horrified and appalled (since it is an immature yet persuasive attempt to mask a misguided personal opinion with authority from *fiqh*, and an effort to hijack our Law by invoking one of the many *qaḍāya* of this *bāb* while recklessly neglecting others). It should serve to remind the students of *fiqh* of the importance of the forming in one's mind and being aware throughout of the *thawābit* and the *ḍawābiṭ* when reading a *furū'* text, in order to ensure that those principal rules have not been breached in any given legal case.

The above opinion is problematic in three legal particulars [*fuṣūl*]:

(1) the target [*maqtūl*]: without doubt, civilians;

(2) the authority for carrying out the killing [*āmir al-qitāl*]: as no Muslim authority has declared war, or if there has been such a declaration there is, at the time, a ceasefire [*hudna*]; and

(3) the way in which the killing is carried out [*maqtūl bih*]: since it is either *ḥarām* and is also cursed as it is suicide [*qātil nafsah*], or at the very least doubtful [*shubuhāt*] in a way such that it must be avoided by those who are religiously scrupulous [*wara'*]. Any sane Muslim who would believe otherwise and think the above to be not a crime [*jināya*] would be both reckless [*muhmil*] and deluded [*maghrūr*]. Instead, whether he realizes it or not, by doing so he would be hijacking rules from our Law which are meant for the conventional (or authorized) army of a Muslim state and addressed to those with authority over it (such as the executive leaders, the military commanders and so forth), but not to individuals who are not connected to the military or those without the political authority of the state [*dawla*].

The result in Islamic jurisprudence is: if a Muslim carries out such an attack voluntarily, he becomes a murderer and not a martyr or a hero, and he will be punished for that in the Next World.

FAṢL I.
THE TARGET: *MAQTŪL*

The proposition: "so it is acceptable for them to attack the non-Muslims in the west", where "non-Muslims" can be taken to mean, and indeed does mean in the document, non-combatants, civilians, or in the terminology of *fiqh*: those who are not engaged in direct combat [*man lā yuqātilu*].

This opinion violates a well-known principal rule [*ḍābiṭ*] from our Law:

لا يَجوزُ قتْلُ نسائِهم ولا صِبْيانهم إذا لم يُقاتِلوا

[It is not permissible to kill their (i.e., the opponents') women and children if they are not in direct combat.]

This is based on the Prophetic prohibition on soldiers from killing women and children, from the well known *ḥadīth* of Ibn 'Umar (may Allāh be pleased with them both!) related by Imāms Mālik, al-Shāfi'ī, Aḥmad, al-Bukhārī, Muslim, Ibn Mājah, Abū Dāwūd, al-Tirmidhī, al-Bayhaqī and al-Baghawī (may Allāh be well pleased with them all!) and other *ḥadīths*.

Imām al-Subkī (may Allāh be pleased with him!) made it unequivocally clear what scholars have understood from this prohibition in which the standard rule of engagement taken from it is that: "[a Muslim soldier] may not kill any women or any child-soldiers unless they are in combat directly, and they can only be killed in self-defence".[1]

It goes without saying that men and innocent bystanders who are not direct combatants are also included in this prohibition. The nature of this prohibition is so specific and well-defined that there can be no legal justification, nor can there be a legitimate *shar'ī* excuse, for circumventing this convention of war by targeting non-combatants or civilians whatsoever, and that the *ḥukm shar'ī* of killing them is not only *ḥarām* but also a Major Sin [*Kabīra*] and contravenes one of the principal commandments of our way of life.

[1] Al-Nawawī, *Majmū'*, 21:57.

FAṢL II.
THE AUTHORITY: *ĀMIR AL-QITĀL*

The proposition: "so it is acceptable for them to attack the non-Muslims in the west whether in retaliation for constant bombing and murder taking place all over the Muslim world at the hands of the non-Muslims", where it implies that a state of war exists with a particular non-Muslim state on account of its being perceived as the aggressor.

This opinion violates the most basic rules of engagement from our Law:

أمْرُ الجهاد مَوْكولٌ إلى الإمام واجتهادِه ويلزم الرعيَّة طاعتُه فيما يراه من ذلك

[The question of declaring war (or not) is entrusted to the executive authority and to its decision: compliance with that decision is the subject's duty with respect to what the authority has deemed appropriate in that matter.]

and:

ولإمامٍ أو أميرٍ خيارٌ بين الكفّ والقتال

[The executive or its subordinate authority has the option of whether or not to declare war.]

Decisions of this kind for each Muslim state, such as those questions dealing with ceasefire [*'aqd al-hudna*], peace settlement [*'aqd al-amān*] and the judgment on prisoners of war [*al-ikhtār fī asīr*] can only be dealt with by the executive or political authority [*imām*] or by a subordinate authority appointed by the former authority [*amīr mansūbin min jihati l-imām*]. This is something Muslims take for granted from the authority of our *naql* [scriptures] such that none will reject it except those who betray their *'aql* [intellect]. The most basic legal reason [*'illa aṣlīyya*] is that this matter is one that involves the public interest, and thus consideration of it belongs solely to the authority:

لأنّ هذا الأمرَ من المصالح العامَّة التي يختَصُّ الإمامُ بالنظر فيها

All of this is based on the well-known legal principle [*qā'ida*]:

تَصرُّفُ الإمامِ على الرَّعِيَّة منوطٌ بالمصلحة

[The decisions of the authority on behalf of the subjects are dependent upon the public good.]

and:

فيفعل الإمامُ وجوباً الأحَظَّ للمسلمين لاجتهاده

[So the authority must act for the greatest advantage of (all of) the Muslims in making its judgement.]

Nasīḥa

Uppermost in the minds of the authority during their deliberation over whether or not to wage war should be the awareness that war is only a means and not the end. Hence, if there are other ways of achieving the aim, and the highest aim is the right to practice our religion openly (as is indeed the case in modern day Spain, for example, unlike in medieval Reconquista Spain), then it is better [*awlā*] not to go to war. This has been expressed in a few words by Imām al-Zarkashī (may Allāh be pleased with him!):

وجوبُه وجوبُ الوسائلِ لا المقاصدِ

[Its necessity is the necessity of means, not ends.]

The upshot is, whether one likes it or not, the decision and discretion and right to declare war or *jihād* for Muslims lie solely with the various authorities as represented today by the respective Muslim states—and not with any individual, even if he is a scholar or a soldier (and not just anyone is a soldier or a scholar)—in the same way that an authority (such as the *qāḍī* in a court of law: *maḥkama*) is the only one with the right to excommunicate or declare someone an apostate [*murtadd*]. Otherwise, the killing would be extra-judicial and unauthorized.

Even during the period of the Ottoman caliphate, for example, another Muslim authority elsewhere, such as in the Indian subcontinent, could have been engaged in a war when at the same time the *Khalīfa's* army was at peace with the same enemy. This is how it has been throughout our long history, and this is how it will always be, and this is the reality on the ground.

FAṢL III.
THE METHOD: *MAQTŪL BIH*

The proposition: "attacks such as the September 11th Hijackings is a viable option in *jihād*", where such attacks employ tactics—analogous to the Japanese kamikaze missions during the Second World War—that have been described variously as self-sacrificing or martyrdom or suicide missions.

There is no question among scholars, and there is no *khilāf* on this question by any *qāḍī, muftī* or *faqīh*, that this proposition and those who accept it are without doubt breaching the scholarly consensus [*mukhālifun lil-ijmā'*] of the Muslims since it resulted in the killing of non-combatants; moreover, the proposition is an attempt to legitimize the killing of indisputable non-combatants.

As for the kamikaze method and tactic in which it was carried out, there is a difference of opinion with some jurists as to whether or not it constitutes suicide, which is not only *ḥarām* but also cursed. In this, there are further details. (Note that in all of the following cases it is already assumed that the target is legitimate—*i.e.*, a valid military target—and that the action is carried out during a valid war when there is no ceasefire [*fī ḥāl al-ḥarb wa-lā hudnata fīh*], just as with the actual circumstance of the Japanese kamikaze attacks.)

Tafṣīl I

If the attack involves a bomb placed on the body or placed so close to the bomber that when the bomber detonates it the bomber is certain [*yaqīn*] to die, then the More Correct Position [*Qawl Aṣaḥḥ*] according to us is that it does constitute suicide. This is because the bomber, being also the *maqtūl* [the one killed], is unquestionably the same *qātil* [the immediate and active agent that kills]=*qātil nafsah* [self-killing, *i.e.*, suicide].

Furū'

If the attack involves a bomb (such as the lobbing of a grenade and the like), but the attacker thinks that when it is detonated, it is uncertain [*ẓann*] whether he will die in the process or survive the attack, then the Correct Position [*Qawl Ṣaḥīḥ*] is that this does not constitute suicide, and were he to die in this selfless act, he becomes what we properly call a martyr or hero

[*shahīd*]. This is because the attacker, were he to die, is not the active, willing agent of his own death, since the *qātil* is probably someone else.

An example [*ṣūra*] of this is: when in its right place and circumstance, such as in the midst of an ongoing fierce battle against an opponent's military unit, whether ordered by his commanding officer or whether owing to his own initiative, the soldier makes a lone charge and as a result of that initiative manages to turn the tide of the day's battle but dies in the process (and not intentionally at his own hand). That soldier died as a hero (and this circumstance is precisely the context of becoming a *shahīd*—in Islamic terminology—as he died selflessly). If he survives, he wins a Medal of Honour or at the least becomes an honoured war hero and is remembered as a famous patriot (in our terminology, becoming a true *mujāhid*).

This is precisely the context of the *mas'ala* concerning the "lone charger" [*al-hājim al-waḥīd*] and the meaning of putting one's life in danger [*al-taghrīr bil-nafs*] found in all of the *fiqh* chapters concerning warfare. The *Umma*'s Doctor Angelicus, Imām al-Ghazālī (may Allāh be pleased with him!) provides the best impartial summation:

> If it is said: What is the meaning of the words of the Most High:
>
> وَلا تُلقُوا بِأَيْدِيكُمْ إِلىَ التَّهْلُكَةِ
>
> [*and do not throw into destruction by your own hands!*]?[2]
>
> We say: There is no difference [of opinion amongst scholars] regarding the lone Muslim [soldier] who charges into the battle-lines of the [opposing] non-Muslim [army that is presently in a state of war with his army and is facing them in a battle] and fights [them] even if he knows that he will almost certainly be killed. The case might be thought to go against the requirements of the Verse, but that is not so. Indeed, Ibn 'Abbās (may Allāh be well pleased with both of them!) says: [the meaning of] "*destruction*" is not that [incident]. Instead, [its meaning] is to neglect providing [adequate] supplies [*nafaqa*: for the military campaign; and in the modern context, the state should provide the arms and equipment and so forth for that for which all of this is done] in obedience to God [as in the

[2] Qur'ān 2:195.

first part of the Verse which says: وَأَنْفِقُوا فِي سَبِيلِ اللهِ (*And spend for the sake of God*)[3]].

That is, those who fail to do that will destroy themselves. [In another *Ṣaḥābī* authority:] al-Barā' ibn 'Āzib [al-Anṣārī (may Allāh be well pleased with them both!)] says: [the meaning of] "*destruction*" is [a Muslim] committing a sin and then saying: 'my repentance will not be accepted'. [A *Tābi'ī* authority] Abū 'Ubayda says: it [the meaning of "*destruction*"] is to commit a sin and then not perform a good deed after it before he perishes. [Ponder over this!]

In the same way that it is permissible [for the Muslim soldier in the incident above] to fight the non-Muslim [army] until he is killed [in the process], that [extent and consequence] is also permissible for him [*i.e.*, the enforcer of the Law, since the *'ā'id* (antecedent) here goes back to the original pronoun (*ḍamīr al-aṣl*) for this *bāb*: the *muḥtasib* or enforcer, such as the police] in [matters of] law enforcement [*ḥisba*].

However, [note the following qualification (*qayd*):] were he to know [*ẓannī*] that his charge will not cause harm to the non-Muslim [army], such as the blind or the weak throwing himself into the [hostile] battle-lines, then it is prohibited [*ḥarām*], and [this latter incident] is included under the general meaning [*'umūm*] of "*destruction*" from the Verse [for in this case, he will be literally throwing himself into destruction].

It is only permissible for him to advance [and suffer the consequences] if he knows that he will be able to fight [effectively] until he is killed, or knows that he will be able to demoralize the hearts and minds of the non-Muslim [army]: by their witnessing his courage and by their conviction that the rest of the Muslim [army] are [also] selfless [*qilla al-mubāla*] in their loyalty to sacrifice for the sake of God [the closest modern non-Muslim parallel would be 'to die for one's country']. By this, their will to fight [*shawka*] will become demoralized [and so this may cause panic and rout them and thereby be the cause of their battle-lines to collapse].[4]

It is clear that this selfless deed which any modern soldier, Muslim or non-Muslim, might perform in battle today is not suicide. It may hyperbolically be described as a 'suicidal' attack, but to endanger one's life is one thing and to commit suicide during the attack is obviously another.

[3] Qur'ān 2:195.
[4] Al-Ghazālī, *Iḥyā'*, 2:315–6.

And as the passage shows, it is possible to have both situations: an attack that is *taghrīr bil-nafs*, which is not prohibited; and an attack that is of the *tahluka*-type, which is prohibited.

Tafṣīl II

If the attack involves ramming a vehicle into a military target and the attacker is certain to die, precisely like the historical Japanese kamikaze missions, then our jurists have disagreed over whether it does or does not constitute suicide.

Qawl A

Those who consider it a suicide argue that there is the possibility [*ẓannī*] that the *maqtūl* is the same as the *qātil* (as in *Tafṣīl* I above) and would therefore not allow for any other qualification whatsoever, since suicide is a cursed sin.

Qawl B

Whereas those who consider otherwise, even with the possibility that the *maqtūl* is the same as the *qātil*, will allow some other qualification such as the possibility that by carrying it out the battle of the day could be won. There are further details in this alternative position, such as that the commanding officer does not have the right to command anyone under him to perform this dangerous mission, so that were it to be sanctioned, it could only be when it is not under anyone else's orders and is the lone initiative of the concerned soldier (such as in defiance of the standing orders of his commanding officer).

The first of the two positions is the Preferred Position [*muttajih*] among our jurists, as the second is the rarer because of the vagueness of a precedent, and its legal details are fraught with further difficulties and ambiguities, and its opposing position [*muqābil*] carries such a weighty consequence (namely, that of suicide, for which there is *Ijmāʿ* that the one who commits suicide will be damned to committing it eternally forever).

In addition to this juristic preference, the first position is also preferable and better since it is the original or starting state [*aṣl*], and by invoking the well-known and accepted legal principle:

الخُروجُ مِنَ الخِلاف مُسْتَحَبٌّ

[To avoid controversy is preferable.]

Finally, the first position is religiously safer, since owing to the ambiguity itself of the legal status of the person performing the act—whether it will result in the *maqtūl* being also the *qātil*—and since there is doubt and uncertainty over the possibility of its either being or not being the case, then this position falls under the type of doubtful matters [*shubuhāt*] of the kind [*naw'*] that should be avoided by those who are religiously scrupulous [*wara'*]. And here, the wisdom of our wise Prophet (may Allāh's blessings and peace be upon him!) is illuminated from the *ḥadīth* of al-Nu'mān (may Allāh be well pleased with him!):

فَمَنِ اتَّقَى الشُّبُهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ

[He who saves himself from doubtful matters will save his religion and his honour.][5]

Wa-Llāhu a'lam biṣ-ṣawāb! [God knows best what is right!]

Fā'ida

The original ruling [*al-aṣl*] for using a bomb (the medieval precedents: Greek fire [*qitāl bil-nār* or *ramy al-naft*] and catapults [*manjanīq*]) as a weapon is that it is *makrūh* [offensive] because it kills indiscriminately [*ya'ummu man yuqātilū wa-man lā yuqātilū*], as opposed to using rifles (medieval example: a single bow and arrow). If the indiscriminate weapon is used in a place where there are civilians, it becomes *ḥarām* except when used as a last resort [*min ḍarūra*] (and of course, by those military personnel authorised to do so).

[5] Related by Aḥmad, al-Bukhārī, Muslim, al-Tirmidhī, Ibn Mājāh, al-Ṭabarānī, and al-Bayhaqī, with variants.

ḤĀṢIL

From the consideration of the foregoing three legal particulars, it is evident that the opinion expressed regarding the *'amal* in the above article is untenable by the standards of our Sacred Law.

As to those who may still be persuaded by it and suppose that the action is something that can be excused on the pretext that there is scholarly *khilāf* on the details of *Tafṣīl* II from *Faṣl* III above (and that therefore, the *'amal* itself could at the end of the day be accommodated by invoking the guiding principle that one should be flexible with regards to legal controversies [*masā'il khilāfiyya*] and agree to disagree); know then there is no *khilāf* among scholars that that rationale does not stand, since it is well known that:

لا يُنْكَرُ المُخْتَلَفُ فيه وإنما يُنكر المجْمَعُ عليه

> [The controversial cannot be denied; only (breach of) the unanimous can be denied.]

Since at the very least, it is agreed upon by all that killing non-combatants is prohibited, there is no question whatsoever that the *'amal* overall is outlawed.

The *qā'ida*, which is expressed very tersely above, means, understood correctly, that an action about which there is *khilāf* may be excused while an action that contravenes *Ijmā'* is categorically rejected.

MASĀ'IL MUFAṢṢALA

Question I

If it is said: "I have heard that Islam says the killing of civilians is allowed if they are non-Muslims."

We say: On a joking note (but ponder over this so your hearts may be opened!): the authority is not with what Islam says but with what Allāh (Exalted is He!) and His Messenger (may His blessings and peace be upon him!) have said!

But seriously: the answer is absolutely ***no***; for even a novice student of *fiqh* would be able to see that the first *ḍābiṭ* above concerns already

a non-Muslim opponent in the case of a state of war having been validly declared by a Muslim authority against a particular non-Muslim enemy, even when that civilian is a subject or in the care [*dhimma*] of the hostile non-Muslim state [*Dār al-Ḥarb*]. If this is the extent of the limitation to be observed with regards to non-Muslim civilians associated with a declared enemy force, what higher standard will it be in cases if it is not a valid war or when the status of war becomes ambiguous? Keep in mind that there are more than 100 Verses in the Qur'ān commanding us at all times to be patient in the face of humiliation and to turn away from violence [*al-iʿrāḍ ʿani l-mushrikīn waṣ-ṣabr ʿalā adhā al-aʿdā'*], while there is only one famous Verse in which war (which does not last forever) becomes an option (in our modern context: for a particular Muslim authority and not an individual), when a particular non-Muslim force has drawn first blood.

Question II

If it is said: "What about the verse of the Qur'ān which says '*kill the unbelievers wherever you find them*' and the *ṣaḥīḥ ḥadīth* which says 'I have been ordered to fight against the people until they testify'?"

We say: It is well known among scholars that the following verse,

فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدتُّمُوهُمْ

[*kill the idolaters wherever you find them*][6] is in reference to a historical episode: those among the Makkan Confederates who breached the Treaty of Ḥudaybiyya [*Sulḥ al-Ḥudaybiyya*] which led to the Victory of Makka [*Fatḥ Makka*], and that therefore, no legal rulings, or in other words, no practical or particular implications, can be derived from this Verse on its own. The Divine Irony and indeed Providence from the last part of the Verse, "*wherever you find them*"—which many of our *mufassir*s understood in reference to place (*i.e.*, attack them whether inside the Sacred Precinct or not)—is that the victory against the Makkans happened without a single battle taking place, whether inside the Sacred Precinct or otherwise, rather, there was a general amnesty [*wa-mannun ʿalayhi bi-takhliyati sabīlihi* or *nahā ʿan safki d-dimā'*] for the *Jāhilī* Arabs there.

[6] Qur'ān 9:5.

Had the Verse not been subject to a historical context, then you should know that it is of the general type [*'āmm*] and that it will therefore be subject to specification [*takhṣīṣ*] by some other indication [*dalīl*]. Its effect in lay terms, were it not related to the *Jāhilī* Arabs, is that it can only refer to a case during a valid war when there is no ceasefire.

Among the well known exegeses of "*al-mushrikīn*" from this Verse are '*an-nākithīna khāṣṣatan*' [specifically, those who have breached (the Treaty)];[7] '*al-ladhīna yuḥāribūnakum*' [those who have declared war against you];[8] and '*khāṣṣan fī mushrikī l-'arabi dūna ghayrihim*' [specifically, the *Jāhilī* Arabs and not anyone else].[9]

As for the meaning of "people" [*al-nās*] in the above well-related *ḥadīth*, it is confirmed by *Ijmā'* that it refers to the same "*mushrikīn*" as in the Verse of Sūra al-Tawba above, and therefore what is meant there is only the *Jāhilī* Arabs [*mushrikū l-'arab*] during the closing days of the Final Messenger and the early years of the Righteous Caliphs and not even to any other non-Muslims.

In sum, we are not in a perpetual state of war with non-Muslims. On the contrary, the original legal status [*al-aṣl*] is a state of peace, and making a decision to change this status belongs only to a Muslim authority who will in the Next World answer for their *ijtihād* and decision; and this decision is not divinely charged to any individuals—not even soldiers or scholars—and to believe otherwise would go against the well-known rule in our Law that a Muslim authority could seek help from a non-Muslim with certain conditions, including, for example, that the non-Muslim allies are of goodwill towards the Muslims:

لا يستعين بمشركين إلا بشروطٍ كأن تكونَ نيتُه حسنةً للمسلمين

Question III

If it is said: "I have heard a scholar say that 'Israeli women are not like women in our society because they are militarised'. By implication, this means that they fall into the category of women who fight and that this makes them legitimate targets but only in the case of Palestine."

7 Al-Nawawī al-Jāwī, *Tafsīr*, 1:331.
8 Qāḍī Ibn 'Arabī, *Aḥkām al-Qur'ān*, 2:889.
9 Al-Jassās, *Aḥkām al-Qur'ān*, 3:81.

We say: No properly schooled jurists from any of the Four Schools would say this as a legal judgement if they faithfully followed the juridical processes of the orthodox Schools relating to this *bāb*; for if it is true that the scholar made such a statement and meant it in the way you've implied, then not only does this violate the well-known principal rule above (*Faṣl* I: "It is not permissible to kill their women and children if they are not in direct combat"), but the supposed remarks also show a lack of sophistication in the legal particulars. If this is the case, then it has to be said here that this is not among the *masā'il khilāfiyya*, about which one can afford to agree to disagree, since it is outright wrong by the principles and the rules from our *uṣūl* and *furū'*.

Let us restate the *ḍābiṭ* again, as our jurists have succinctly summarized its rule of engagement: a soldier can only attack a female or (if applicable) child soldier (or a male civilian) in self-defence and only when **she herself** (and not someone else from her army) is engaged in direct combat. (As for male soldiers, it goes without saying that they are considered combatants as soon as they arrive on the battlefield even if they are not in direct combat—provided of course that the remaining conventions of war have been observed throughout, and that all this is during a valid war when there is no ceasefire.)

Not only is this strict rule of engagement already made clear in our secondary legal texts, but this is also obvious from the linguistic analysis of the primary proof-texts used to derive this principal rule. Hence, the form of the verb used in the scriptures, "*yuqātilu*", is of the *mushāraka*-type, so that the verb denotes a direct or a personal or a reciprocal relationship between two agents: the minimum for which is one of them making an effort or attempt to act upon the other. The immediate legal implication here is that one of the two can only even be considered a legitimate target when there is a reciprocal or direct relationship.

In reality [*wāqi'*], this is not what happens on the ground (since the bombing missions are offensive in nature—they are not targeting, for example, a force that **is attacking** an immediate Muslim force; but rather the attack is directed at an overtly non-military target, so the person carrying it out can only be described as attacking it—and the target is someone unknown until only seconds before the mission reaches its termination).

In short, even if these women are soldiers, they can only be attacked when they are **in direct combat** and not otherwise. In any case, there are other overriding particulars to be considered and various conditions to be observed throughout, namely, that it must be during a valid state of war when there is no ceasefire.

Question IV

If it is said: "When a bomber blows himself up he is not directing the attack towards civilians. On the contrary, the attack is designed to target off-duty soldiers (which I was told did not mean reservists, since most Israelis are technically reservists). The innocent civilians are unfortunate collateral damage in the targeting of soldiers."

We say: There are two details here.

Tafṣīl A

Off-duty soldiers are treated as civilians.

Our jurists agree that during a valid war when there is no ceasefire, and when an attack is not aimed at a valid military target, a hostile soldier (whether male or female, whether conscripted or not) who is not on operational duty or not wearing a military uniform and when there is nothing in the soldier's outward appearance to suggest that the soldier is in combat, then the soldier is considered a non-combatant [*man lā yuqātilu*] (and in this case must therefore be treated as a normal civilian).

A valid military target is limited to either a battlefield [*maḥall al-ma'raka* or *saḥat al-qitāl*] or a military base [*mu'askar*; medieval examples are citadels or forts; modern examples are barracks, military depots, etc.]; and certainly **never** can anything else such as a restaurant, a hotel, a public bus, the area around a traffic light, or any other public place be considered a valid military target, since firstly, these are not places and bases from which an attack would normally originate [*maḥall al-ra'y*]; secondly, because there is certain knowledge [*yaqīn*] that there is intermingling [*ikhtilāṭ*] with non-combatants; and thirdly, the non-combatants have not been given the option to leave the place.

As for when the soldiers are on the battlefield, the normal rules of engagement apply.

As for when the soldiers are in a barracks or the like, there is further discussion on whether the soldiers become a legitimate target, and the *Qawl Aṣaḥḥ* [the More Correct Position] according to our jurists is that they do, albeit to attack them there is *makrūh*.

Tafṣīl B

Non-combatants cannot at all be considered collateral damage except at a valid military target, for which they may be so deemed, depending on certain extenuating circumstances.

There is no *khilāf* that non-combatants or civilians cannot at all be considered collateral damage at a non-military target in a war zone, and that their deaths are not excusable by our Law, and that the one who ends up killing one of them will be sinful as in the case of murder, even though the soldier who is found guilty of it would be excused from the ordinary capital punishment [*ḥadd*], unless the killing was found to be premeditated and deliberate:

أو أتى بمعصيةٍ تُوجِب الحدَّ

If not, the murderer's punishment in this case would instead be subject to the authority's discretion [*ta'zīr*] and he would in any case be liable to pay the relevant compensation [*diya*].

As for a valid military target in a war zone, the Shāfi'ī School have historically considered the possibility of collateral damage, unlike the position held by others that it is unqualifiedly outlawed. The following are the conditions stipulated for allowing this controversial exception (in addition to meeting the most important condition of them all: that this takes place during a valid war when there is no ceasefire):

(1) The target is a valid military target.

(2) The attack is as a last resort [*min ḍarūra*] (such as when the civilians have been warned to leave the place and after a period of siege has elapsed):

وجوبُ الإنذار قبل البَدْءِ بالقَتْل لأنه لا يجوز أن يقتُلَ إلاّ مَن يُقاتل

(3) There are no Muslim civilians or prisoners.

(4) The decision to attack the target is based on a considered judgement of the executive or military leader that by doing so, there is a good chance that the battle would be won.

(Furthermore, this position is subject to *khilāf* among our jurists with regard to whether the military target can be a Jewish or Christian [*Ahl al-Kitāb*] one, since the sole primary text that is invoked to allow this exception concerns an incident restricted to the same "*mushrikīn*" as in the Verse of Sūra al-Tawba in Question II above.)

To neglect intentionally any of these strict conditions is analogous to not fulfilling the conditions [*shurūṭ*] for a prayer [*Ṣalāt*] with the outcome that it becomes invalidated [*bāṭil*] and useless [*fasād*].

This is why the means of an act [*'amal*] must be correct and validated according to the rule of Law in order for its outcome to be sound and accepted, as expressed succinctly in the following wisdom of Imām Ibn 'Aṭā Allāh (may Allāh sanctify his soul!):

مَن أشْرَقَتْ بدايتُه أشرقت نهايتُه

[He who makes good his beginning will make good his ending.]

In our Law, the ends can never justify the means except when the means are in themselves permissible, or *mubāḥ* (and not *ḥarām*), as is made clear in the following famous legal principle:

وَسِيْلَةُ الطَّاعَة طاعة ووسيلةُ المعصية معصية

[The means to a reward is itself a reward and the means to a sin is itself a sin.]

Hence, even a simple act such as opening a window, which on its own is only *mubāḥ* or *ḥalāl*, religiously entailing no reward nor being a sin, when a son does it with the intention of his mother's comfort on a hot summer's day before she asks for it to be opened, the originally non-consequent act itself becomes *mandūb* [recommended] and the son is rewarded in his *'amal*-account for the Next World and acquires the pleasure of Allāh.

WaLlāhu a'lam wa-aḥkām biṣ-ṣawāb! [God knows and judges best what is right!]

Question V

If it is said: "In a classic manual of Islamic Sacred Law I read that 'it is offensive to conduct a military expedition [*ghazw*] against hostile non-Muslims without the caliph's permission (though if there is no caliph, no permission is required).' Doesn't this entail that though it is *makrūh* for anyone else to call for or initiate such a *jihād*, it is permissible?"

We say:

لا غَزْوَةَ إلا في الجهاد

[There can be no battle except during a war!]

Secondary legal texts, just as with primary proof-texts (a single Verse of the Qur'ān from among the relatively few *Āyāt al-Aḥkām* or a *ḥadīth* from among the limited number of *Aḥadīth al-Aḥkām*), must be read and understood in context. The conclusion drawn that it is offensive or permissible for anyone other than those in authority to declare or initiate a war is evidently wrong, since it violates the principal rule of engagement discussed in *Faṣl* II above.

The context is that of endangering one's life [*taghrīr bi-nafs*] when there is already a valid war with no ceasefire, as seen in the above example from the *Iḥyā'* passage, but certainly not in executive matters of the kind of proclaiming a war and the like. This is also obvious from the terminology used: a *ghazw* [a military act, assault, foray or raid; the minimum limit in a modern example: an attack by a squad or a platoon (*katība*)] can take place only when there is a state of *jihād* [war], not otherwise.

Fā'ida

Imām Ibn Ḥajar (may Allāh be pleased with him!) lists the organizational structure of an army as follows: a *ba'th* [unit] and several such together, a *katība* [platoon], which is a part of a *sariyya* [company; made up of 50–100 soldiers], which is in turn a part of a *mansar* [regiment; up to 800 soldiers], which is a part of a *jaysh* [division; up to 4000 soldiers],

which is a part of a *jaḥfal* [army corps; exceeding 4000 soldiers], which makes up the *jaysh ʿaẓīm* [army].[10]

In our School, it is offensive but not completely prohibited for a soldier to defy, or in other words to take the initiative against the wishes of, his direct authority, whether his unit is strong or otherwise. In the modern context, this may include cases when soldier(s) disagree with a particular decision or strategy adopted by their superior officers, whether during a battle or otherwise.

The accompanying commentary to the text you quoted will help clarify this for you:

> [Original Text:] It is offensive to conduct an assault [whether the unit is strong (*manʿa*) or otherwise; and some have defined a strong force as 10 men] without the permission of the authority ([Commentary:] or his subordinate, because the assault depends on the needs [of the battle and the like] and the authority is more aware about them. It is not prohibited [to go without his permission] (if) there is no grave endangering of one's life even when that is permissible in war.)[11]

Question VI

If it is said: "What is the meaning of the rule in *fiqh* that I always hear, that *jihād* is a *farḍ kifāya* [communal obligation] and when the *Dār al-Islām* is invaded or occupied it is a *farḍ ʿayn* [personal obligation]? How do we apply this in the context of a modern Muslim state such as Egypt?"

We say: It is *farḍ kifāya* for the eligible Muslim subjects of the state in the sense that recruitment to the military is only voluntary when the state declares war with a non-Muslim state (as for non-Muslim subjects, they evidently are not religiously obligated but can still serve). It becomes a *farḍ ʿayn* for any able-bodied Muslim when there is a conscription or a nationwide draft to the military if the state is invaded by a hostile non-Muslim force, but only until the hostile force is repelled or the Muslim authority calls for a ceasefire. As for those not in the military, they have

[10] Ibn Ḥajar, *Tuḥfat*, 12:4.
[11] Ibn Barakāt, *Fayḍ*, 2:309.

the option to defend themselves if attacked, even if they have to resort to throwing stones and using sticks:

بأيّ شيءٍ أطاقوه ولو بحجارةٍ أو عصا

Furū'

When it is not possible to prepare for war [and rally the army for war (*ijtimā' li-ḥarb*), and a surprise attack by a hostile force completely defeats the army of the state and the entire state becomes occupied] and someone [at home, for example] is faced with the choice of whether to surrender or to fight [such as when the hostile force comes knocking at the door], then he may fight. Or he may surrender, provided that he knows [with certainty] that if he resisted [arrest] he would be killed and that [his] wife would be safe from being raped [*fāḥisha*] if she were taken. If not [that is to say, even if he surrenders he knows he will be killed and his wife raped when taken], then [as a last resort] fighting [*jihād*] becomes personally obligatory for him.[12]

Reflect upon this legal ruling of our Religion and the emphasis placed upon preserving human life and upon the wisdom of resorting to violence only when it is **absolutely necessary** and in its proper place; and witness the conjunction between the *maqāṣid* and the *wasā'il* and the meaning of the conditions when fighting actually becomes a *farḍ 'ayn* for an individual!

Question VII

If it is said today: "In the [Shāfi'ī] *madhhab*, what are the different classifications of lands in the world? For example, *Dār al-Islām*, *Dār al-Kufr* and so forth, and what have the classical *ulema* said their attributes are?"

We say: As it is also from empirical fact [*tajriba*], Muslim scholars have classified the territories in this world into: *Dār al-Islām* [its synonyms: *Bilād al-Islām* or *Dawla Islāmiyya*; a Muslim state or territory or land or country, etc.] and *Dār al-Kufr* [a non-Muslim state, territory, etc.].

The definition of a Muslim state is: "any place at which a resident Muslim is capable of defending himself against hostile forces [*ḥarbiyyūn*] for a

[12] Al-Bakrī, *I'ānat*, 4:197.

period of time is a Muslim state, where his judgements can be applied at that time and those times following it."[13] A non-Muslim who resides in a Muslim state is, in our terminology: *kāfir dhimmī* or *al-kāfir bi-dhimmati l-muslim* [a non-Muslim in the care of a Muslim state].

By definition, an area is a Muslim state as long as Muslims continue to live there and the political and executive authority is Muslim. (Think about this, for the Muslim lands are many, varied, wide and extensive; and how poor and of limited insight are those who have tried to limit the definition of what a Muslim state must be, and whether realizing it or not thus try to shrink the Muslim world!)

As for a non-Muslim state, it is the absence of a Muslim state.

As for *Dār al-Ḥarb* [sometimes called *Arḍ al-ʿAdw*], it is a non-Muslim state which is in a state of war with a Muslim state. Therefore, a hostile non-Muslim soldier from there is known in our books as: *kāfir ḥarbī*.

Furūʿ

Even if such a person enters or resides in a Muslim country that is in a state of war with his home country, provided of course he does so with the permission of the Muslim authority (such as entering with a valid visa and the like), the sanctity of a *kāfir ḥarbī*'s life is protected by Law, just like the rest of the Muslim and non-Muslim subjects of the state.[14] In this case, his legal status becomes a *kāfir ḥarbī bi-dhimmati l-imām* [a hostile non-Muslim under the protection of the Muslim authority], and for all intents and purposes he becomes exactly like the non-Muslim subjects of the state. In this way, the apparent difference between a *dhimmī* and a *ḥarbī* non-Muslim becomes only an academic exercise and a distinction in name only.

The implications of this rule for the pious, God-fearing and Law-abiding Muslims are not only that to attack non-Muslims becomes something illegal and an act of disobedience [*maʿṣiya*], but also that the steps taken by the Muslim authority and enforcers, such as in Malaysia or Indonesia today, to protect their places, including churches or temples, from the threat

[13] Baʿalawī, *Bughyat*, 254.
[14] Al-Kurdī, *Fatāwā*, 211–2.

of killings and bombings, are included under the *bāb* of *amr bi-ma'rūf wa nahy 'ani l-munkar* [the duty to intervene when another is acting wrongly; in the modern context: enforcing the Law], even if the Muslim enforcers [*muḥtasib*] die in the course of protecting non-Muslims.

Question VIII

If it is said: "What land classification are we in the European Union, and what is the *ḥukm* of those who are here? Should they theoretically leave?"

We say: It is clear that the countries in the Union are non-Muslim states, except for Turkey or Bosnia, for example, if they are a part of the Union. The status of the Muslims who reside and are born in non-Muslim states is the reverse of the above non-Muslim status in a Muslim state: *al-muslim bi-dhimmati l-kāfir* [a Muslim in the care of a non-Muslim state] and from our own Muslim and religious perspective, whether we like it or not, there are similarities to the status of a guest which should not be forgotten.

There is precedent for this status in our Law. The answer to your question is that they should as a practical matter remain in these countries, and if applicable, learn to cure the schizophrenic cultural condition in which they may find themselves—whether of torn identity in their souls or of dissociation from the general society. If they cannot do so, but find instead that their surroundings are incompatible with the life they feel they must lead, then it is recommended for them to leave and reside in a Muslim state. This status is made clear in the *fatwā* of the *Muḥaqqiq*, Imām al-Kurdī (may Allāh be pleased with him!):

> He (may the mercy of Allāh—Exalted is He!—be upon him!) was asked: In a territory ruled by non-Muslims, they have left the Muslims [in peace] other than that they pay tax [*māl*] every year just like the *jizya*-tax in reverse, for when the Muslims pay them, their protection is ensured and the non-Muslims do not oppose them [*i.e.*, do not interfere with them]. Thereupon, Islam becomes practiced openly and our Law is established [meaning that they have the freedom to practice their religious duty in the open and in effect become practicing Muslims in that non-Muslim society]. If the Muslims do not pay them, the non-Muslims could massacre them by killing or pillage. Is it permissible to pay them the tax [and thereby become residents there]? If you say it is permissible, what is the ruling

about the non-Muslims mentioned above when they are at war [with a Muslim state]: would it or would it not be permissible to oppose them and if possible, take their money? Please give us your opinion!

The answer:

Insofar as it is possible for Muslims to practice their religion openly with what they can have power over, and they are not afraid of any threat [*fitna*] to their religion if they pay tax to the non-Muslims, it is permissible for them to reside there. It is also permissible to pay them the tax as a requirement of it [residence]; rather, it is obligatory [*wājib*] to pay them the tax for fear of their causing harm to the Muslims. The ruling about the non-Muslims at war as mentioned above, because they protect the Muslims [in their territory], is that it would not be permissible for the Muslims to murder them or to steal from them.[15]

The *ḍābiṭ* for this *mas'ala* is:

وإنْ قَدَرَ على إظهار الدين ولم يخْفِ الفتنة في دينه ونفسه وماله لم تجبْ عليه الهجرةُ

[If someone is able to practice his religion openly and is not afraid of threat to his religion, life and property, then emigration is not obligatory for him.]

Furūʿ

Our Shāfiʿī jurists have discussed details concerning the case of Muslims residing in a non-Muslim state, and they have divided the legal rulings about their emigration from it to a Muslim state into four sorts (assuming that an individual is capable and has the means to emigrate):

1. *Ḥarām*: it is prohibited for them to leave when they are able to defend their territory from a hostile non-Muslim force or withdraw from it (as in the case of a border state, buffer area or disputed territory) and do not need to ask for help from a Muslim state. The reason is that their place of residence is already, technically [*ḥukman*], a 'Muslim state' even though not in name [*ṣūratan*], since they are able to practice their religion openly

[15] Al-Kurdī, *Fatāwā*, 208.

even though the political or executive authority is not Muslim; and if they emigrated it would cease to be so. This falls under the *fiqhī* classification of *Dār Kāfir Ṣūratan Lā Ḥukman*, which is equivalent to *Dār Islām Ḥukman Lā Ṣūratan*.

2. *Makrūh*: it is offensive to leave their place of residence when it is possible for them to practice their religion openly, and they wish to do so openly.

3. *Mandūb*: leaving becomes recommended only when it is possible for them to practice their religion openly, but they do not wish to do so.

4. *Wājib*: it becomes obligatory to leave when it is the only remaining option, that is, when practicing their religion openly is not possible. A legal precedent is the case after the Reconquista in Spain (which is no longer the case today) when the Five Pillars of the Faith were actively proscribed, so that, for example, the Muslim houses were required to keep their doors open after sunset during the fasting month of Ramaḍān in order that the authority could see that there was no breaking of the fast.

Question IX

If it is said: "Would you say that in the modern age with all the considerations surrounding sovereignty and inter-connectedness, these classical labels do not apply any longer, or do we have sufficient resources in the School to continue using these same labels?"

We say: As Imām al-Ghazālī used to say:

إذا عُرِفَ المعنى فلا مُشَاحَّةَ في الأسامي

> [Once the real meaning is understood, there is no need to quibble over names.]

Labels can never be relied upon; it is the meaning behind them that must be properly understood. Once they are unpacked, they immediately become relevant for all times; just as with the following loaded terms: *jihād*, *mujāhid* and *shahīd*. The result for Muslims who fail to notice the relevance and fail to connect the dots of our own inherited medieval terms with the modern world may be that they will live in a schizophrenic

cultural reality and will be unable to associate themselves with the surrounding society and will not be at peace [*sukūn*] with the rest of creation. Just as the *sabab al-wujūd* of this article is a Muslim's misunderstanding of his own medieval terminology from a long and rich legacy, the *fitna* in the world today has been the result of those who misunderstand our Law.

Pay heed to the words of Mawlānā Rūmī (may Allāh sanctify his secrets!):

> *Go beyond names and look at the qualities, so that they may show you the way to the essence.*
>
> *The disagreement of people takes place because of names. Peace occurs when they go to the real meaning.*
>
> *Every war and every conflict between human beings has happened because of some disagreement about names.*
>
> *It's such an unnecessary foolishness, because just beyond the arguing there's a long table of companionship, set and waiting for us to sit down.*

End of the *masā'il* section.

TATIMMA

It is truly sad that despite our sophisticated and elaborate set of rules of engagement and in spite of the strict codes of warfare and the chivalrous disciplines which our soldiers are expected to observe, all having been thoroughly worked out and codified by the orthodox jurists of the *Umma* from among the generations of the *Salaf*, there are today in our midst those who are not ashamed to depart from these sacred conventions in favour of opinions espoused by persons who are not even trained in the Sacred Law at all let alone enough to be a *qāḍī* or a *faqīh*—the rightful heir and source from which they should receive practical guidance in the first place. Instead they rely on engineers or scientists and on those who are not among its *ahl*, yet speak in the name of our Law. With these "reformist" preachers and *dā'ī*'s comes a departure from the traditional ideas about the rules of *siyar/jihād/qitāl*, *i.e.*, warfare. Do they not realize that by doing so and by following them they will be ignoring the limitations

and restrictions cherished and protected by our pious forefathers and that they will be turning their backs on the *Jamāʿa* and *Ijmāʿ* and that they will be engaging in an act for which there is no accepted legal precedent within orthodoxy in our entire history? Have they forgotten that part of the original *maqṣad* of warfare/*jihād* was to limit warfare itself and that warfare for Muslims is not total war, so that women, children and innocent bystanders are not to be killed and property not to be needlessly destroyed?

To put it plainly, there is simply no legal precedent in the history of Sunni Islam for the tactic of attacking civilians and overtly non-military targets. Yet the awful reality today is that a minority of Sunni Muslims, whether in Iraq or Beslan or elsewhere, have perpetrated such acts in the name of *jihād* and on behalf of the *Umma*. Perhaps the first such mission to break this long and admirable precedent was the Hamas bombing on a public bus in Jerusalem in 1994—not that long ago. (Reflect on this!)

Immediately after the incident, the almost unanimous response of the orthodox Shāfiʿī jurists from the Far East and the Hadramawt was not only to make clear that the minimum legal position from our Sacred Law is untenable for persons who carry out such acts, but also to warn the *Umma* that by going down that path we would be compromising the optimum way of *Iḥsān* and that we would thereby be running a real risk of losing the moral and religious high ground. Those who still defend this tactic, invoking blindly a nebulous *uṣūlī* principle that it is justifiable out of *ḍarūra* while ignoring the *farʿī* strictures, must look long and hard at what they are doing and ask the question: was it **absolutely necessary,** and if so, why was this not done before 1994, and especially during the earlier wars, most of all during the disasters of 1948 and 1967?

How could such a tactic be condoned by one of our Rightly Guided Caliphs and a heroic fighter such as ʿAlī (may Allāh ennoble his face!), who when in the Battle of the Trench his notorious non-Muslim opponent, who was seconds away from being killed by him, spat on his noble face, immediately left him alone. When asked later his reasons for withdrawing when Allāh clearly gave him power over him, he answered: "I was fighting for the sake of God, and when he spat in my face I feared that if I killed him it would have been out of revenge and spite!" Far from being an act of cowardice, this characterizes Muslim chivalry: fighting, yet not out of anger.

In actual fact, the only precedent for this tactic from Muslim history is the cowardly terrorism carried out by the "Assassins" of the Nizārī Ismāʿīlīs. Their most famous victim from a suicide mission was the wise minister and the Defender of the Faith, who could have been alive to deal with the *fitna* of the Crusades: Niẓām al-Mulk, the Jamāl al-Shuhadā' (may Allāh encompass him with His mercy!), assasinated on Thursday, the 10th of the holy month of Ramaḍān 485, or October 14th, 1092.

Ironically, in the case of Palestine, the precedent was set not by Muslims but by early Zionist terrorist gangs such as the Irgun, who, for example, infamously bombed the King David Hotel in Jerusalem on 22nd July 1946. So ask yourself as an upright and God-fearing believer, whose every organ will be interrogated: do you really want to follow the footsteps and the models of those Zionists and the heterodox Ismāʿīlīs, instead of the path taken by our Beloved (may Allāh's blessings and peace be upon him!), who for almost half of the (twenty-three) years of his mission endured Makkan persecution, humiliation and insults? Is anger your only strength? If so, remember the Prophetic advice that it is from the Devil. And is *ḍarūra* your only excuse for following them instead into their condemned lizard-holes? Do you think that any of our famous *mujāhid*s from history, such as ʿAlī, Ṣalāḥ al-Dīn, and Muḥammad al-Fātiḥ (may Allāh be well pleased with them all!) will ever condone the article you quoted and these acts today in Baghdad, Jerusalem, Cairo, Bali, Casablanca, Beslan, Madrid, London and New York, some of them committed on days when it is traditionally forbidden by our Law to fight: Dhū l-Qaʿda and al-Ḥijja, Muḥarram and Rajab? Every person of *fiṭra* will see that this is nothing other than a *sunna* of perversion.

This is what happens to the Banū Adam when the *wahm* is abandoned by *ʿaql*, when one of the *maqāṣid* justifies any *wasīla*, when the realities of *furūʿ* are indiscriminately overruled by generalities of *uṣūl*, and most tragically, as illustrated from the eternal blunder of Iblīs, when Divine *tawakkul* is replaced by basic *nafs*.

Yes, we are one *Umma* such that when one part of the macro-body is attacked somewhere, another part inevitably feels the pain. Yet at the same time, our own history has shown that we have also been a wise and sensible, instead of a reactive and impulsive, *Umma*. That is the secret of

our success, and that is where our strengths will always lie as has been promised by Divine Writ: in *ṣabr* and in *tawakkul*. It is already common knowledge that when Jerusalem fell to the Crusading forces on the 15th of July 1099 and was occupied by them, and despite its civilians having been raped, killed, tortured and plundered and the *Umma* at the time humiliated and insulted—acts far worse than what can be imagined in today's occupation—that it took more than 100 years of patience and legitimate struggle under the Eye of the Almighty before He allowed Ṣalāḥ al-Dīn to liberate Jerusalem. We should have been taught from childhood by our fathers and mothers about the need to prioritize and about how to reconcile the spheres of our global concerns with those of our local responsibilities—as we will definitely not escape the questioning in the grave about the latter—so that by this insight we may hope that our response will not be disproportionate nor inappropriate. This is the true meaning [*ḥaqīqa*] of the true advice [*naṣīḥa*] of our Beloved Prophet (may Allāh's blessings and peace be upon him!): to leave what does not concern one [*tark ma lā yaʿnīh*], where one's time and energy could be better spent in improving the lot of the Muslims today or benefiting others in this world.

Yes, we will naturally feel the pain when any of our brothers and sisters die unjustly anywhere when their deaths have been caused directly by non-Muslims, but it **must** be the more painful for us when they die in Iraq, for example, when their deaths are caused directly by the self-destroying/martyrdom/suicide missions carried out by one of our own. On *tafakkur*, the second pain should make us realize that missions of this sort, when the means and the legal particulars are all wrong—by scripture and reason—are not only a scourge for our non-Muslim neighbours but a plague and great *fitna* for this mercied *Umma*, and desire *inṣāf* so that out of *maṣlaḥa* and the general good, it must be stopped.

To this end, we could sum up a point of law tersely in the following maxim:

لا يَجْعَلُ الظُّلْمَانِ الثَّانِيَ حَقًّا

[Two wrongs do not make a right.]

If the first pain becomes one of the mitigating factors and ends up being used as a justification by our misguided young to retaliate in a manner

which our Sacred Law definitely and without doubt outlaws (which makes your original article the more appalling, as its author will have passed the special age of 40), then the latter pain should by its graver significance generate a greater and more meaningful response. With this intention, we may hope that we shall regain our former high ground and reputation and rediscover our honour and chivalrous qualities and be no less brave.

I end with the first ever Verse revealed in the Qur'ān which bestowed the military option only upon those in a position of authority:

وقاتِلُوا فِي سَبِيلِ اللهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلاَ تَعْتَدُوا إِنَّ اللهَ لاَ يُحِبُّ الْمُعْتَدِينَ

[*And fight for the sake of God those who fight you: but do not commit excesses, for God does not love those who exceed* (*i.e., the Law*).][16]

Even then, peace is preferred over war:

وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللهِ

[*Now if they incline toward peace, then incline to it, and place your trust in God.*][17]

Even if you think that the authority in question has decided wrongly and you disagree with their decision not to war with the non-Muslim state upon which you wish war to be declared, then take heed of the following Divine command:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللهَ وأَطِيعُوا الرَّسُولَ وَأُوْلِى الأَمْرِ مِنْكُمْ

[*O believers, obey Allāh, and obey the Messenger, and those with authority among you!*][18]

If you still insist that your authority should declare war with the non-Muslim state upon which you wish war to be declared, then the most you could do in this capacity is to lobby your authority for it. However, if your anger is so unrestrained that its fire brings out the worst in you to the

[16] Qur'ān 2:190.
[17] Qur'ān 8:61.
[18] Qur'ān 4:59.

point that your disagreement with your Muslim authority leads you to declare war on those you want your authority to declare war on, and you end up resorting to violence, then know with certainty that you have violated our own religious Laws. For then you will have taken the *Sharīʿa* into your own hands. If indeed you reach the point of committing a violent act, then know that by our own Law you would have been automatically classified as a rebel [*ahl al-baghy*] whom the authority has the right to punish: even if the authority is perceived to be or is indeed corrupt [*fāsiq*]. (The definition of rebels is: "Muslims who have disagreed [not by heart or by tongue but by hand] with the authority even if it is unjust [*jāʾir*] and they are correct [*ʿadilūn*]".)[19]

That is why, my brethren, when the military option is not a legal one for the individuals concerned, you must not lose hope in Allāh; and let us be reminded of the words of our Beloved (may Allāh's blessings and peace be upon him!):

أَفْضَلُ الجِهَادِ كَلِمَةُ حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ

> [The best *jihād* is a true (*i.e.*, brave) word in the face of a tyrannical ruler.][20]

For it is possible still, and especially today, to fight injustice or *ẓulm* or *ṭāghūt* in this *dunyā* through your tongue and your words and through the pen and the courts, which still amounts in the Prophetic idiom to *jihād*, even if not through war. As in the reminder [*tadhkira*] of the great scholar, Imām al-Zarkashī: war is only a means to an end and as long as some other way is open to us, that other way should be the course trod upon by Muslims.

Ma shāʾ Allāh, how true indeed are the Beloved's words, so that the latter *mujāhid* or activist will be no less brave or lacking in any courage with his or her campaign for a just cause in an oppressive country or one needing

[19] Al-Nawawī, *Majmūʿ*, 20:337.

[20] From a *ḥadīth* of Abū Saʿīd al-Khudrī (may Allah be well pleased with him!) among others, which is related by Ibn al-Jaʿd, Aḥmad, Ibn Ḥumayd, Ibn Mājāh, Abū Dāwūd, al-Tirmidhī, al-Nasāʾī, Abū Yaʿlā, Abū Bakr al-Rūyānī, al-Ṭabarānī, al-Ḥākim, and al-Bayhaqī, with variants.

reforms than the former *mujāhid* or patriot who fought bravely for his country in a just war.

فاتَّقِ اللهَ ورَاجِعْ مُفَاتَشَةَ نَفْسِك وإصلاحَ فسادِها وهو حسبنا ونعم الوكيل ولا حول ولا قُوَّةَ إلا بالله العلِيِّ العظيم وصلواتُه على سيدنا محمدٍ وآله وسَلِّمْ ورضي اللهُ تبارك وتعالى عن ساداتنا أصحابِ رسول الله أجمعين وعنَّا معهم وفِيهم ويجْعَلْنا من حِزْبِهم برحمتك يا أرحمَ الرَّاحمين آمين

[Fear God, and go back to controlling your self and to curing your wickedness! For indeed, He is enough for us: what an excellent guardian! There is no help nor power except through God, the High and Mighty! May His blessings and peace be upon our master, Muḥammad, and his Family! And may He be pleased with our leaders, the Companions of the Messenger of God, one and all! And may we be together with them and in their company, and may He make us among their Troop. By Your Mercy, O Most Merciful of those who show mercy, Amen!]

May this be of benefit.

With heartfelt wishes for *salām* and *ṭayyiba*
from Oxford to Brunei,
Muhammad Afifi al-Akiti
16th Jumādā' II 1426
23rd July 2005

SELECT BIBLIOGRAPHY

Baʿalawī, ʿAbd al-Raḥmān. *Bughyat al-Mustarshidīn fī Talkhīṣ Fatāwā baʿḍ al-Mutaʾakhkhirīn*. Bulaq, 1309 H.

al-Bakrī. *Ḥāshiyat Iʿānat al-Ṭālibīn*. 4 vols. Bulaq, 1300 H.

al-Ghazālī. *Iḥyāʾ ʿUlūm al-Dīn*. Edited by Badawī Aḥmad Ṭabānah. 4 vols. Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabiyya, 1957.

Ibn ʿArabī, Qāḍī. *Aḥkām al-Qurʾān*. Edited by ʿAlī Muḥammad al-Bajawī. 4 vols. Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabiyya, 1957–8.

Ibn Barakāt. *Fayḍ al-Ilāh al-Mālik fī Ḥall Alfāẓ ʿUmdat al-Sālik wa-ʿUddat al-Nāsik*. Edited by Muṣṭafā Muḥammad ʿImāra. 2 vols. Singapore: al-Ḥaramayn, 1371 H.

Ibn Ḥajar al-Haytamī. *Tuḥfat al-Muḥtāj bi-Sharḥ al-Minhāj al-Nawawī* in *Ḥawāshī al-Shirwānī wa-Ibn Qāsim ʿalā Tuḥfat al-Muḥtāj*. Edited by Muḥammad ʿAbd al-ʿAzīz al-Khālidī. 13 vols. Beirut: Dār al-Kutub al-ʿIlmiyya, 1996.

al-Jassās. *Aḥkām al-Qurʾān*. 3 vols. Istanbul: Dār al-Khilāfa al-ʿĀliya, 1335–1338.

al-Kurdī. *Fatāwā al-Kurdī al-Madanī*. In *Qurrat al-ʿAyn bi-Fatāwā ʿUlamāʾ al-Ḥaramayn*. Edited by Muḥammad ʿAlī ibn Ḥusayn al-Mālikī. Bogor: Maktabat ʿArafāt, n.d.

al-Nawawī. *al-Majmūʿ Sharḥ al-Muhadhdhab*. Edited by Maḥmūd Maṭrajī. 22 vols. Beirut: Dār al-Fikr, 1996.

al-Nawawī al-Jāwī. *Marāḥ Labīd Tafsīr al-Nawawī: al-Tafsīr al-Munīr li-Maʿālim al-Tanzīl al-Mufassir ʿan Wujūh Maḥāsin al-Taʾwīl al-Musammā Marāḥ Labīd li-Kashf Maʿnā Qurʾān Majīd*. 2 vols. Bulaq, 1305 H.

GLOSSARY OF TERMS

ahl = [1] people; [2] qualified adherents or practitioners

ʿaql = intellect, reason

Aḥādīth al-Aḥkām = ḥadīthic proof-texts for legal rulings

ʿamal = deed, action

aṣl = see *uṣūl*

Āyāt al-Aḥkām = Qur'ānic proof-texts for legal rulings

bāb = chapter or legal subject

Banū Ādam = human beings

ḍābiṭ = see *ḍawābiṭ*

ḍarūra = necessity

ḍawābiṭ = pl. of *ḍābiṭ* = standard or principal rule

Doctor Angelicus = Angelic Scholar, a title given to Thomas Aquinas, the great theologian of the Western Church

dāʿī = summoner or preacher

dunyā = this world, "this life"

fā'ida = benefit

faqīh = see *fiqh*

farḍ ʿayn = personal obligation

farḍ kifāya = communal obligation

farʿī = adj. from *farʿ*, see *furūʿ*

faṣl = see *fuṣūl*

fatwā = legal opinion, legal response

fiqh = Islamic jurisprudence, the expertise of the *faqīh*; adj, *fiqhī* = legal

fitna = strife, temptation, seduction, delusion, chaos, trial and tribulation

fiṭra = sane mind and soul, primordial disposition

fuqahā' = pl. of *faqīh* (*q.v.*)

furū' = pl. of *far'*, [1] branches (of the Law), secondary legal texts; [2] corollaries, corollary legal principles

fuṣūl = pl. of *faṣl* = sections or legal particulars

ḥadīth = a saying of the Prophet Muḥammad, upon whom blessings and peace

ḥalāl = lawful, permitted

ḥarām = categorically prohibited, unlawful

ḥāṣil = legal outcome

ḥukm [*shar'ī*] = legal status, legal ruling

Iblīs = Satan

Iḥsān = Excellence, the pinnacle of religious practice

ijmā' = Consensus

ijtihād = independent judgement, personal decision

inṣāf = fairness, setting things right

Jāhilī = lit., ignorant; a pre-Islamic or pagan Arab

Jamā'a = the Orthodox Community

Jamāl al-Shuhadā' = The Beauty of Martyrs, the title of the murdered vizier Niẓām al-Mulk

Jihād = moral or military struggle by the *mujāhid*

khilāf = (juridical) disagreement

khilāfiyya = fem. adjective from *khilāf* = having to do with (juridical) disagreement

madhhab = school of Law

makrūh = detestable, abhorrent, abominable, disliked, legally offensive

maqāṣid = pl. of *maqṣad,* objective or ends

maqṣad = see *maqāṣid*

masā'il = pl. of *mas'ala* = question or legal discussion or case

masā'il mufaṣṣala = detailed questions and answers

mas'ala = see *masā'il*

maṣlaḥa = welfare, public/general good

mubāḥ = indifferently permissible

mufassir = exegete

muftī = one who formulates *fatwā*s or formal legal responses

Muḥaqqiq = The Careful Examiner, a title given to Imām al-Kurdī, one of the last great jurists of our School

mujāhid = one who does *jihād* (*q.v.*)

mukallaf = legally-responsible Muslim

mushāraka = mutual or reciprocal matter

nafs = ego, self

naṣīha = faithful, sincere advice

qaḍāyā = pl. of *qaḍiyya* = issue or legal context

qāḍī = judge in an Islamic court of law

qā'ida = see *qawā'id*

qātil nafsah = self-killer, suicide

qawāʿid = pl. of *qāʿida* = maxim or legal principle

qawl = saying or legal position

qitāl = warfare, battle

sabab al-wujūd = raison dʿetre

ṣabr = patient endurance and fortitude

Ṣaḥābī = Companion of the Prophet Muḥammad, upon whom blessings and peace

Salaf = Pious Predecessors, early authorities

shahīd, pl. *shuhadā'* = self-sacrificing believer who dies for the sake of God alone, "martyr"

sharʿī = adj. legitimate in the eyes of the *Sharīʿa* (Islamic Law), lawful, legal

siyar = military expeditions

sunna = way, path

sūra = a chapter of the Qur'ān

Tābiʿī = Successor of the Companions

tafakkur = reflection

tafṣīl = detailed legal discussion

tahluka = self-destruction

taghrīr bil-nafs = risking one's life

tatimma = conclusion

tawakkul = reliance upon God

thawābit = pl. of *thābit* = axiom

Umma = the Muslim Community

uṣūl = pl. of *aṣl* = foundational principle; adj. *uṣūlī*

wahm = imaginative faculty or emotions

wasā'il = pl. of *wasīla,* means

wasīla = see *wasā'il*

"This timely book explores the tragic and traumatic events of 7/7. It contains both a social scientific analysis and traditional exegesis of the Qur'an and Sunna written by concerned Muslim scholars. These analyses are insightful for both Muslims and non-Muslims attempting to position the phenomena of British-born Muslims turning to 'terror'.

The book is an impassioned plea for the reassertion of the mainstream values of traditional Islam to prevail against extremism, placing such values in the context of British multiculturalism and democracy."

Professor Ron Geaves, Author of *Aspects of Islam.*

THE LONDON TERROR outrage of July 7 has brought it home to us that the threat from suicide bombers does not simply come from foreigners who slip into the country, but from people who live and have grown up amongst us. How and why British-born Muslims would want to blow themselves up is difficult to understand, though understand we must if we are to prevent these acts in the future.

The chapters in this book are written by evolving and renowned Muslim scholars in the field of Islamic studies. Particularly focusing on the legal discussions on Jihad, these scholars differentiate between key Islamic concepts and rules pertaining to the conduct of war and its jurisprudence and the hate-inspired crime which is the scourge of the earth today.

The contributors address crucial contemporary issues and challenges facing Muslims in the West. Drawing upon an intellectual framework from within a classical Islamic discourse, they provide a social, political and cultural observation of the world in which we all live in today.

Current Affairs/Religion

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Engaging Minds Everywhere

At last, a significant and sustained Muslim commentary on 7/7. Aftab Malik is to be congratulated on identifying a new generation of western Muslim thinkers at ease with the social sciences and mainstream Sunni scholarship. An indispensable point of entry for policy makers, academics and the general reader.

Dr Philip Lewis, lecturer in Peace Studies, Bradford University & Adviser on Christian-Muslim Relations to the Bishop of Bradford

In our current crisis it is imperative to hear sensible Muslim voices. This short book is a collection of such voices and its contents include pertinent social and political analysis as well as theological judgments and guidance. The Muslim community, indeed British society, needs to attend to both kinds of reflection.

Professor Tariq Modood, Author of *Multicultural Politics: Racism, Ethnicity and Muslims in Britain*

This is a serious and thoughtful collection of essays by Muslim scholars and writers. It draws on a wide range of sources to assess the political and theological issues raised by violence conducted in the name of Islam. It deserves to be widely read, by Muslims and non-Muslims alike.

David Hayes, www.openDemocracy.net

This thought-provoking collection of writings identifies and interrogates the complex reality and rhetoric of Islamic political radicalism in Britain today.Through a searching examination, it challenges the apparent monopoly on interpreting the faith that is claimed by Islamic radicals, and exposes the degree of misunderstanding that exists, among both Muslims and non-Muslims with respect to the concept of jihad [...]. Importantly, it does not pull its punches as far as critiquing government policy and exposing the limitations of current British Muslim leadership are concerned.

As this collection makes clear, how to be British and Mus - and what "being Muslim" more generally means - ar "life or death" questions facing Britain at the start o twenty-first century, questions that none of us can affo ignore, whether Muslim or not.

Professor Humayun Ansari, Author of *The Infidel* *The History of Muslims in Britain, 1800 to the*

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Cover image: A bombed double decker bus at Tavistock Square outsi British Medical Association in London on Thursday, July 7

A series of bomb attacks on London's transportation system took 38 casualties and injured close to 700 others on Thursday morning. Image © WpN 2005.